

## PROMOTIONS IN THE NAVY

## MARINE CORPS

Maj. William C. James to be a lieutenant colonel in the Marine Corps from the 14th day of May 1935.

Capt. Galen M. Sturgis to be a major in the Marine Corps from the 14th day of May 1935.

First Lt. William W. Davidson to be a captain in the Marine Corps from the 14th day of May 1935.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate May 20 (legislative day of May 13), 1935*

## RURAL ELECTRIFICATION ADMINISTRATION

Morris L. Cooke to be Administrator Rural Electrification Administration.

## POSTMASTER

## OKLAHOMA

R. Waldo Wettengel, Rush Springs.

## WITHDRAWAL

*Executive nomination withdrawn from the Senate May 20 (legislative day of May 13), 1935*

## POSTMASTER

## NEW YORK

Fannie E. Landt to be postmaster at Valatie, in the State of New York.

## HOUSE OF REPRESENTATIVES

MONDAY, MAY 20, 1935

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

To Thee, the author of all wisdom and goodness, we lift our supplications, our aspirations, and our gratitude; because Thou livest we shall live also; this is our faith and the sum of our hopes. Heavenly Father, Thou art speaking in countless providences, and we pray Thee to speak through us in service, in influence, and in example which bear upon public thought and action. Let truth of transcendent power be disseminated throughout the Republic. Grant that the drift of government, of churches, and of schools may be to make better men. May we be an inspiration in the accomplishment of the work of self-respect, self-assertion, and self-control. In the whirl and din of complex conditions, commercial strife, and contest may patriotism glow fervently in all hearts. To this end regard our Speaker and all others clothed with authority and assigned to public duty. In the Redeemer's name. Amen.

The Journal of the proceedings of Friday, May 17, was read and approved.

## JOINT SESSION OF CONGRESS

The SPEAKER. The Chair has agreed to recognize the gentleman from Colorado [Mr. TAYLOR], but if any Member desires to make a correction of the RECORD, the Chair will recognize him now for that purpose; otherwise the Chair recognizes the gentleman from Colorado.

Mr. TAYLOR of Colorado. Mr. Speaker, my understanding is that the President of the United States desires to deliver a message to a joint assembly of the House and the Senate on next Wednesday. For this purpose I offer the following resolution for immediate consideration:

The Clerk read as follows:

## House Concurrent Resolution 22

*Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 22d day of May 1935, at 12:30 o'clock in the afternoon for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.*

The SPEAKER. The question is on the resolution.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I wish to ask a question.

The SPEAKER. The Chair is of the opinion that this is a privileged resolution.

Mr. BLANTON. It is something unprecedented; I have not heard of it since I have been in Congress.

Mr. O'CONNOR. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is that the gentleman from Colorado has the floor.

Mr. TAYLOR of Colorado. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. McFARLANE. Mr. Speaker, I make the point of order that there is no quorum present, and I object to the vote on that ground.

The SPEAKER. The Chair will count.

Mr. McFARLANE. Mr. Speaker, I withdraw my point of no quorum.

The previous question was ordered.

The House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## A PROGRAM OF SOCIAL SECURITY

Mr. ELLENBOGEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ELLENBOGEN. Mr. Speaker, since the beginning of the administration of President Roosevelt the question of the economic and social security of the people of the United States, the questions of social security and of social justice, have begun to assume the place they deserve in any true democracy. There has never been a time in the history of this Nation when social security has received the attention that it is receiving now.

So strong has the movement for social legislation become that few of its opponents today attempt to oppose it openly. Instead of open and outspoken opposition we now often have attempts to delay the execution of the program, or attempts to weaken the strength and significance of the legislation enacted.

Lip service to social security is not enough. Now that the conscience of the people of the United States has been awakened to the need for a program of real security for the United States we must see to it that the laws that are enacted shall be genuine. We must not, and shall not, be misled by the subterfuges of those who in reality are opposed to the entire program. With this in mind I want to devote this time to a brief discussion of some of the fundamental elements which must be present in any program that deserves the title of social security.

## TRUE SOCIAL SECURITY

In our modern society, social security in its true sense means the enactment of laws that will safeguard the fundamentals of life to every human being from the time of birth until the time of death. For in this modern society the individual alone often is helpless. He needs, and is entitled to, aid and assistance of society as a whole, as it is represented by the Government which he has established and supports.

## FREE HIGHER EDUCATION

The child-welfare laws and public-health measures which we pass should protect the child from the day of his birth until he reaches maturity. Children who lose those upon whom they depend should be assured maintenance and financial assistance from the Government, State and Federal.

Children should be entitled, as a matter of right, to proper education. Those who distinguish themselves in their studies should be given not only the right to enter a high school but also a university at public expense. A democracy cannot continue to exist without providing, through education, the

means of understanding the issues and problems of the day. It took a long time to assure to each child the right to enter high school. The time has come to open the universities at public expense to those students who do not have the means, but who have proven their ability and shown their desire to extend their education.

#### HEALTH INSURANCE

Health insurance is another law which must come. It should be established in a form which is acceptable to the physician, because its success will depend upon the cooperation of the medical profession. Under present conditions, it means financial calamity for a laborer or a member of the so-called "middle class" to have serious illness in his family. When a case of serious illness occurs, the expenses of doctors, hospitals, nurses, and medicines are so high that the family is saddled with debts which require months, and often years, to pay off. And just as serious—even more so—are the conditions which result when poor people must neglect a serious illness because they cannot afford to pay for the services of a doctor or of a specialist.

Health insurance is the answer. It will entitle people at time of illness to such medical and hospital services as is required by every sickness.

We have heard much about unemployment insurance. It must be understood that this is not job insurance. Unemployment compensation laws guarantee the unemployed a proportion of the previous income through a limited period on unemployment. It will be well to watch and carefully scrutinize the unemployment compensation laws that will be enacted by the Congress and by the legislatures of various States. The Federal law as it is now contemplated is not sufficient. It does not set up a Federal unemployment insurance system. It gives us no assurance that the States will set up adequate unemployment compensation systems. It would appear from present indications that they will not.

I have said time and again that this law is only a beginning. Those who have been fighting for genuine social security intend to press and demand further forward steps.

#### THE RIGHT TO WORK

However, even the best and most liberal unemployment-insurance law is not sufficient. Above all is this: A man or woman who is able to work, and who is willing to work, should have the opportunity to do so. The right to a job is God-given. Man was created by God with certain physical and mental powers. If he applies them to the natural resources of the earth he can enjoy the fruits thereof. No man will never have security until the right to a job has been guaranteed him. Education of our children means nothing unless they can go out into the world and use that education. Mankind will never feel secure until it knows that the opportunity to work has been guaranteed.

#### THE ASSURANCE OF A JOB

Unemployment insurance is merely the insurance of a part of the wage income for a limited period of time. It is a great step forward; but it is not enough. We must find the way to assure to every man and to every woman who is willing to work, a job to which he will be entitled when his unemployment compensation benefits expire. Job insurance will be not only in the interest of the individual but in the interest of society as a whole. It will prevent ever-recurring depressions. It will prevent the reoccurrence of such panics as we are passing through. It simply means that when private industry is unable to give employment, and when unemployment benefits have become exhausted, the Government will step in and provide employment for every able-bodied unemployed either through public works or through a system of aids to industry. But whatever the method, the aim is clear.

#### OLD-AGE PENSIONS MUST BE LIBERAL

And now, what of old-age pensions and old-age insurance? No social security program is complete without them. When a man becomes older, when he no longer has the strength and virility which is required in our modern plants, he should be permitted to retire with an adequate income.

What I say about insurance compensation is equally true of old-age pensions and old-age insurance. It is not sufficient to have old-age pensions or old-age insurance laws. That in itself does not mean very much. The question is, What do these laws provide? How much benefits do they pay? At what age does the payment of old-age pensions begin?

The payment of old-age insurance should not wait until a man or woman is too old to enjoy the days that remain for him in his earthly life. It should be an old-age pension, not a graveyard pension. We should not wait until a person becomes 65 years of age. That is far too old. We should pay to every person in the United States who is 60 years of age or older an adequate pension, so that he may enjoy the remaining days of his life in the surrounding of his own home, and close to his children. We should pay him a pension sufficient for a comfortable and decent livelihood, and not for a bare existence.

#### WHAT SOCIAL SECURITY CAN MEAN

Social security legislation is designed to take the fear out of life. It is designed to remove the fear of insecurity arising from old age. It is designed to remove the fear arising from unemployment. It is designed to remove the fear arising from illness.

I visualize for the future social security laws which will accompany the individual from his cradle to his grave; social security laws which will step in and watch over the child when it is born; which will assure an education to every child according to his ability.

True social legislation means the payment of adequate unemployment-insurance benefits during periods of unemployment; it means the assurance of a job when unemployment benefits cease. It does not mean relief. The dole has no place in a picture of social security, and after a man or woman has done his or her part, after they have worked and given their share of their own individual happiness for the welfare of society, they will be permitted to retire on adequate old-age pension payments.

This, Mr. Speaker, is not a dream. It is made possible by the technical advances of a machine age, by our ability to produce in abundance all the goods we need. If we who have made the beginnings continue to keep this goal before us, if we press forward along the road which we have begun to travel, then true social security will become a reality in the United States.

#### FARM MORTGAGE ACT

Mr. JONES, from the Committee on Agriculture, submitted a conference report (Rept. No. 968) and statement on the bill (S. 1384) to amend the Emergency Farm Mortgage Act of 1933, to amend the Federal Farm Loan Act, to amend the Agricultural Marketing Act, and to amend the Farm Credit Act of 1933, and for other purposes, for printing under the rule.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, on May 16 the gentleman from New York [Mrs. O'Day] had the floor and yielded to the gentleman from Texas [Mr. BLANTON]. On that occasion Mr. BLANTON said this:

One unlawful alien now here is awfully anxious to go back to his native country. That is Bruno Hauptmann, and we are going to send him back—

Bruno Hauptmann being a native of Germany.

Thereupon he sat down, and the gentleman from New York was yielded 2 additional minutes. Immediately after her time expired I secured 2 minutes in which to ask this question of the gentleman from Texas:

Mr. Chairman, I take this opportunity to ask my colleague, the gentleman from Texas, just when and under what circumstances he or anybody else is going to return Bruno Hauptmann?



He had said we are going to send him back to his native country, Germany.

The State of New Jersey having convicted him of murder in the first degree and having sentenced him to be electrocuted within the State of New Jersey, I asked him when and under what circumstances he was going to send him back to Germany. Whereupon the gentleman from Texas said:

We are going to return him through the electric chair to the place he belongs.

I replied:

The gentleman says, "We are going to do it." The State of New Jersey is trying to do it.

The gentleman from Texas then said:

That is a part of the American system of government.

I replied:

It is a part of Jersey justice.

Mr. BLANTON said:

I admit that, but it was Federal money that convicted him and Federal agents who caught him.

I then said:

No; the Legislature of New Jersey appropriated the money.

Then the gentleman from Texas gets his hands on the stenographer's transcript and this is how the RECORD reads:

Mr. BLANTON. One unlawful alien now here is awfully anxious to get back to his native country. That is Bruno Hauptmann, and law and order—

Not "we"—

are going to send him back to where he belongs by way of the electric chair.

Changing entirely what he said and making my query absolutely meaningless.

Then when I asked under what circumstances and when he is going to return Bruno Hauptmann, he said:

We, the citizens of the United States, are going to return him through the electric chair to the place he belongs.

Making, of course, the comment on my part—

The gentleman says "'we' are going to do it." The State of New Jersey is going to do it.

utterly irresponsible.

I said:

The State of New Jersey is going to do it—

That is, going to execute him.

Mr. BLANTON said:

That is a part of the American system of government.

It now reads:

The State of New Jersey is a part of the American system of government.

My answer—

It is a part of Jersey justice—

of course, becomes the mouthings of a half-wit.

The RECORD now reads:

Mr. BLANTON. I admit that, but it was Federal money largely that worked up the case that convicted him.

Making, of course, my reply foolish—

No; the Legislature of New Jersey appropriated the money.

The Legislature of New Jersey obviously appropriated no money to work up any case that the Federal Government agents were working on.

Now, that is a clear violation of the rules of the House, which says that no man may change his own remarks if they affect the remarks of another. It has been so held. When that is done, it is a question on which a man may claim personal privilege and get up and insist upon having the RECORD changed back to what was originally said on the floor in order not to be the victim of misrepresentations interpolated under the guise of extending or revising remarks.

Mr. Speaker, I would not make much fuss about a little thing like that if it were not for the fact that ever since he

has been a Member of Congress the gentleman from Texas has continually abused his privilege with respect to the CONGRESSIONAL RECORD.

Mr. BLANTON. Will the gentleman yield?

Mr. LEHLBACH. I will not. The gentleman is not going to garble anything I am saying now.

Mr. BLANTON. I will garble it after a while.

Mr. LEHLBACH. Yes; he will. Some years ago the gentleman for a most shameful abuse of the RECORD came within a very few votes of being expelled from this body. It takes a two-thirds majority to expel a Member.

Mr. Speaker, I am not going to ask that this matter be expunged from the RECORD and the RECORD corrected as it should read. I am going to let it stand, as far as I am concerned, as a typical example of the character and the service of the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker, if my colleagues will look on page 7707 of the RECORD for last Thursday, May 16, 1935, containing my colloquy with my distinguished colleague from New York [Mrs. O'Day] they will there see that I was duly granted, by unanimous consent, the right to revise and extend my remarks in the RECORD.

Mr. Speaker, the rules of the House permit a Member to revise his own remarks to show exactly what he intends to say.

The gentleman from New Jersey mentions that some years ago a move was made by Frank W. Mondell, his leader, to have me removed from this House. The Republicans at that time had 302 Members. Mondell received only 204 votes to remove me, when there were 435 Members of the House, of whom 302 were Republicans.

Mr. Speaker, there is just a handful of the Members left in this House who voted for Mondell's resolution to remove me. There is just a handful. I can count them almost on the fingers of my two hands. The rest have gone and are forgotten.

The man who offered that resolution, Frank W. Mondell, came up for election to the Senate immediately thereafter. For 26 years he had been the only Congressman from Wyoming. He had been the Republican floor leader in this House for years. His ridiculous excuse was that I had printed an improper report on the Government Printing Office, which he had expunged.

I got a poll-tax list of every man and woman in Wyoming. I sold a farm in Texas and had my report on the Government Printing Office reprinted by a private printery. It cost me a tremendous sum of money, but I did not stop at expense. I sent a copy of that Printing Office report to every man and woman in Wyoming at my own expense. It cost me an enormous lot of time and money. I showed exactly what Frank Mondell had said and done in this House.

Did you know that Wyoming went Republican at that time and elected a Republican Congressman to succeed Frank Mondell in the House, but for the Senate Frank W. Mondell did not carry but one single county in his native State—just one? They turned him down and put him out of public life. He has been a common lobbyist ever since here in Washington. He is gone and forgotten politically. Yet all through these years the people of my district have elected and reelected me by a wonderful majority. The little fellow from New Jersey is the one that gets up here and makes these remarks this morning. His people may punish him for doing that some day.

Mr. Speaker, one of the leading professors on Government in the United States, the great William Starr Myers, of Princeton University, examined that report of mine on the Government Printing Office, and condemned Mondell's action as being malicious and unwarranted. One of the clubs of Harvard University said the same thing about it. Preachers, university professors, and leading officials in Govern-

ment stated there was not a thing in the world wrong in my having printed that report in the RECORD.

Why did not the gentleman from New Jersey, in fairness, state that after Frank W. Mondell had gone and been forgotten this Congress by unanimous consent, Mr. Speaker, permitted me to read into and thus have printed that Government Printing Office report back in the RECORD, and it is in there now, word for word, except a few words omitted from an affidavit by one employee.

I am going to have that report printed again, regardless of cost, and I am going to send it to every voter the gentleman has in his district in New Jersey. Let them see what he gets up here and tries to do in reflecting upon one of his colleagues.

Mr. Speaker, I did not say I was going to send Bruno Hauptmann back to Germany. I said we were going to send him back to where he belonged. Everybody understood me except the gentleman from New Jersey; but when he tried to make out like he did not, I made the RECORD show the facts—that we were going to send him where he belonged. He does not say that the Government had anything to do with convicting Bruno Hauptmann. Why, this Government spent thousands of dollars. It had every single man connected with our Intelligence Department working on that case. New Jersey did not work it up. It was the Government of the United States that secured some of the most important and convincing evidence.

[Here the gavel fell.]

Mr. BLANTON. Mr. Speaker, as I have consent unanimously granted to me by my colleagues in the House to extend my remarks, I want to show the facts relating to my said report on the Government Printing Office.

During the war our Government paid all industrial workers tremendous wages, yet there were 6,000 strikes against the Government. Workers had been exempted from the draft, because they were needed to work. When they continued to strike, President Wilson asked Congress to pass what he called his "work or fight" amendment to the Draft Act, which would take from workers their exemption when they refused to work, and they could be sent to the war zone. I spoke and voted for that amendment and helped to pass it in this House, and thus incurred the enmity of organized labor.

When Congress gave the extra \$240 bonus to our 100,000 Government employees in Washington, I voted that during the war they should work 8 instead of only 7 hours per day. I again incurred the displeasure of organized labor. That was known as the "Borland amendment", which caused a march on the Capitol.

Then I backed the contention that our Government had the right to supervise the work of its employees in its navy yards and arsenals. This stand caused me to be criticized and condemned by organized labor.

From time to time during the war I vigorously protested against labor unions attempting to dominate our Government legislatively. Again I was condemned by organized labor.

I dared to oppose unions in their attempt to force all Government employees to unionize and pay dues against their will. This brought down union wrath upon my head.

I warned President Samuel Gompers that if he would preserve his unions and not lose the many deserved benefits he had worthily helped them to acquire, which meant much to labor, he must repudiate the anarchy and communism pervading unions, and free them of such menaces as William Z. Foster. He and his unions then resented such advice, and proclaimed me as an enemy to organized labor, and caused me to be placed on his blacklist.

In all such acts I was the true friend and not the enemy of labor. And before he died, President Gompers did publicly repudiate William Z. Foster and communism, and his worthy successor, President William Green, has likewise repudiated them.

In the 1920 campaign, there were 64 newspapers published in my district. In all of them I was attacked by paid ad-

vertisements. In some of them President Gompers carried whole page advertisements over his own signature against me, denouncing me as an enemy to organized labor. In such campaign such reputable and reliable newspaper authority as (then) Editor Lloyd B. Thomas asserted in his Times that approximately \$100,000 was spent in my district to defeat me in the primary. The Olden Advance carried whole pages of attacks against me in practically every issue.

By an overwhelming vote I was reelected. Many of the finest citizens of my district are members of labor unions, and for years have been my strong personal friends, and knew that they could depend upon me at all times to give labor a square deal in all of its worthy undertakings, and many would not turn against me. Then a radical union publication asserted that if they could not defeat me at the polls they would find some other way of getting me out of Congress.

During my first 12 years in Congress I spent practically all of my vacations in checking up Government departments, bureaus, and commissions. I wanted to familiarize myself with all the intimate details of their business, and just how they spent the huge sums of money Congress gave them, and where it went.

In 1921, numerous employees, some being helpless women, appealed to me for protection, asserting that while through civil service they could easily obtain Government positions, yet unions would not let them continue long in employment unless they joined and paid the prescribed union dues. Upon their urgent appeal and insistence I investigated such conditions.

In May 1921, certain of the 4,450 employees then in our Government Printing Office appealed to me for protection, asserting that unions controlled the plant and required all employees to join the union, pay its monthly dues and assessments and in addition to pay the required extra 10 percent of their salaries to carry on the Nation-wide strike for the 44-hour week. It being my duty to do so, I investigated this plant. I found conditions there, and in other departments, that I thought should be publicly known. I believed that such conditions were so outrageous and important that my colleagues in both the House and Senate would highly appreciate my bringing such facts before them, for I knew that they had not taken time themselves to ascertain such facts first hand. There was but one way to acquaint the 96 Senators and the other 434 Congressmen with such facts, and that was to print a report of what I had found and the facts I had gathered by affidavits in the CONGRESSIONAL RECORD for their information.

So, before preparing my report, from the floor of the House, on October 4, 1921, I requested the House to grant me permission to print my report in the RECORD as an "Extension of Remarks", and such permission was unanimously granted.

And as soon as I completed my report, I sent it to the Government Printing Office and it was printed in the Appendix of the daily RECORD for October 21, 1921.

In this report, among the various other letters and affidavits I printed, I quoted one affidavit which an employee, Millard French, had filed with the Public Printer, complaining of inhuman treatment accorded him by a foreman, and which embraced some language this foreman had used toward him, which, because being improper, I deleted just as I used to delete court records on appeal to higher courts when I was on the circuit bench for 8 years, and every improper word in same was deleted by using dashes and only the first letter, and in that printed report there was not one improper word except the deleted ones in this one employee's affidavit.

I was not disseminating improper language. I was endeavoring to stop its use by Government employees toward their fellow workers while transacting public business. I was bringing its use to the attention of Congress. There was no other way to apprise the other 434 Members and 96 Senators of it. I believed my colleagues would welcome such information and would commend me for the hard work I had done in making this investigation. I was merely per-



forming my official duty as a Representative of this Government. With such facts before me, I would not have done my duty had I done less.

#### UNION LEADERS AMBUSHED ME

Unions in Washington realized that there was no answer to the facts established by my said report. They could not afford to have same made public. They were determined to obliterate my report. So they persuaded Frank W. Mondell, who was then a candidate for the Senate, to have it expunged from the RECORD. So when the House met on Monday, October 24, 1921, without giving me any notice whatever of his intention, Frank Mondell moved to expunge my entire report from the RECORD, and moved the previous question on his motion, which cut off all debate. I implored him to withdraw the previous question, and to give me 10 minutes to explain the matter to my colleagues, but he refused.

I then asked that he expunge only the Millard French affidavit, to which he objected, but he refused. He was determined to get my entire report out of the RECORD. And with his great prestige and influence, as Republican majority leader, with 302 Republicans then Members of the House, and by forcing an immediate vote, with unaware Members hurriedly coming into the House from their offices, and knowing nothing of the contents of such report, he caused the entire report to be expunged.

The next day Majority Leader Mondell moved to put me out of Congress. It was an afterthought. Union leaders in Washington had demanded it. He did not refer the matter to a committee, required by an unbroken line of precedents. He did not allow me a hearing. He did not allow me to have counsel, which has been given by Congress to every Member whose seat has been at issue. He did not confront me with any witnesses, or allow me to cross-examine anybody. He did not give me any time to prepare my defense. He pushed his resolution to take my seat from me, based on his mere statement that I had printed improper language in the RECORD, when not one word of my own had been improper, and the few improper words in the quoted affidavit of said employee had been by me deleted exactly as court records are deleted. And he thus caused many persons in the United States to believe that I had used improper language, when my whole desire and purpose had been to stop Government employees from using it in abuse of other employees when about public business.

As above stated, there were 302 Republicans then in the House. He was their leader. He had been their majority leader for some time. He had prestige and influence. He controlled a majority of 170 votes in the House. He spent all of the morning in calling Republicans to his office and demanded as their leader that they put me out of Congress. Yet altogether out of 435 Members he was able to muster only 204 votes to put me out.

#### BUT IT PLAGUED MONDELL THEREAFTER

Frank W. Mondell had been the only Congressman, for it had only one, from the State of Wyoming for 26 long years. In the following election he made his race for the United States Senate. Dr. Frank Carl, of Sheridan, Wyo., advised me that Mondell was trying to use his attack on me to get the union vote of Wyoming, and he advised that if the people of Wyoming could see my report, as he had read and approved it, they would not support Mondell. So I had my report reprinted in a private printery, and got a poll-tax list of the Wyoming voters, and hired employees, and mailed a copy of such report, and a copy of Mondell's entire action in the House against me, to every man and woman in the State of Wyoming.

#### WYOMING REPUBLICAN BUT MONDELL DEFEATED

When the votes were counted, Mondell had carried only one county in his entire State. The county of Goshen is the only county in the State of Wyoming that Frank W. Mondell was able to carry for the Senate, although the State elected a Republican to succeed Mondell in the House of Representatives as Congressman at large from Wyoming.

#### REPORT BACK INTO RECORD

If you will examine the daily RECORD for Wednesday, December 7, 1927, pages 200 to 211, you will see that the House of Representatives allowed me to read my said report on the Government Printing Office, which Mondell had expunged, back into the RECORD, in its entirety, excepting a few words in the said employee's affidavit. Our present Speaker, the distinguished gentleman from Tennessee [Mr. BYRNS], who was then in charge of an appropriation bill on the floor, yielded me the time, and in order for him to have enough time to do it, my old friend the distinguished former colleague of ours from Illinois [Mr. MADDEN] yielded him 30 minutes of it. And if any Member had objected to my reading it, I could not have read it, hence it was read into the RECORD by unanimous consent.

#### CARRIED BY 19 COUNTIES

And on page 212 of this RECORD for December 7, 1927, I want you new colleagues to read the resolution unanimously passed by my Democratic convention, certifying to the fact that I had carried all 19 of my counties, and had carried all of the 26 voting precincts then in my home county, and had carried all of the 21 voting precincts in the home county of my opponent.

And, I might also mention, that last year, with a prominent legislator and a prominent district judge running against me, I carried all 30 of the present voting precincts in my home county with a majority in each over both opponents, and carried all of the voting precincts in the home county of said legislator.

#### REPORT A PROPER ONE

If my colleagues will read this report of mine on the Government Printing Office on pages 200 to 211 of the RECORD for Wednesday, December 7, 1927, they will see that it evidences a tremendous lot of work on my part, and that it embraces a lot of most valuable information on what was going on in the departments of this Government. In instances I quoted the verbatim evidence of witnesses from joint congressional hearings of the House and Senate.

#### ORIGINAL PRINT FORTUNATELY READ

Fortunately for me, the RECORD for October 22, 1921, containing my report on the Government Printing Office, went into every congressional district in the United States before Mondell expunged it from the permanent RECORD, and many people read it. After Mondell expunged it and made his attack on me, I received hundreds of letters from every State in this Union commending my report and denouncing Mondell for his action. I have this voluminous mass of letters retained as one of my most valuable possessions.

I made a speech in this House on March 13, 1922, entitled "From Seattle to Florida", taking as my subject "Truth crushed to earth will rise again", and I want my colleagues to read the cross section of these letters I quoted in said speech, which in fact were from Seattle to Florida, and they will see that your constituents back home in your districts who had read my original report printed in the RECORD on October 22, 1921, approved it in every respect as a proper report for me to make to Congress and commended me for making it, and condemned Mondell for his attack on me.

Read the statement of William Starr Myers, professor of government in Princeton University, situated in Princeton, N. J. You will see that he congratulates me and says that my report was brave and patriotic.

Read the statement from the Ridgely Club, of Harvard University, and you will see that it denominated Mondell's action as an unprincipled attack and said that I was the victim of deplorable persecution.

Read the opinion of Judge Fred Lamb, of the Twelfth Judicial Circuit Court of Missouri, and you will see that he pronounced my report as proper in every respect and called Mondell's action an unjustifiable outrage.

Read the opinion Rev. Harry E. Purinton, of Denver, Colo., wrote denouncing the action as a pusillanimous knuckling to unions.

Read the statement from Secretary C. W. Shaefer, of the Trenton Typothetae, Trenton, N. J., advising that, although

he is a loyal Republican, he would split his ticket to vote for me, and commending my report.

Read the statement from Hon. J. Horace McFarland, of Harrisburg, Pa., who personally read my report in the *RECORD* and approved it, and commended me.

Read the statement from F. H. Ebeling, the big seed man of Syracuse, N. Y., stating that the people of this country were solidly behind me 20 to 1, and predicting that I would be in Congress many years after Mondell was forgotten.

Read the editorial from the Little Rock (Ark.) Daily News approving my report in every detail and stating that I would not have done my duty if I had not published it in the *RECORD* and challenged Mondell or any other Member who voted to put me out to state how any woman or child could have been hurt by the words as I had deleted them.

I want my colleagues in said *RECORD* of March 13, 1922, to read the long editorial by the Kansas Official, of Topeka, Kans., approving every portion of my report, and condemned Mondell for his action, which it said he had carefully constructed, premeditated, and conceived to mislead Members of Congress, and the public, and it said that Mondell did it to curry favor with the American Federation of Labor.

I want you to read the statement from the former great evangelist, Sam W. Small, who was then living over here at Rosslyn, Va.

Read the statement from Director R. D. Bowen, representing agriculture in the Mississippi Valley Association, embracing 26 States.

Read the editorial from the Sunday Times, of Chattanooga, Tenn., and from the Buffalo Commercial, Buffalo, N. Y., the latter saying that I had performed a great public service.

Read the statement from Capt. T. Hall, of Fort Lauderdale, Fla., and from H. D. Masterson, of Seattle, Wash.

Read the long editorial from the Columbus Dispatch, Ohio, calling Mondell's action punitive in the extreme, and stating that a number of Republicans were through with his leadership. Note that it quoted Charles J. Thompson, of the Defiance district, and James T. Begg, of the Sandusky district, as sorry they had followed Mondell and were glad the resolution did not pass; and note also that it quoted General Speaks and Representative Ricketts that they broke away from Mondell's leadership.

Read the statement of W. S. McCarthy, of Salt Lake City, Utah, stating that my report was approved by every person discussing the matter with him, and they gave me a vote of thanks.

Read the statement from Rev. W. W. Pippin, Jr., of Appamattox, Va., stating that my verbatim account of conditions in my report best served the ends of justice, and you will see that he approved it in its entirety.

Read the statement from Francis Ralston Welsh, of Philadelphia, and you will see that he not only approved my report but because of Mondell's unwarranted attack on me he refused to make his usual Republican annual contribution to the national Republican campaign funds.

Some of these days, Mr. Speaker, if I ever get able financially to do so, I am going to publish in a book, for they will make a book, all of the letters I received from all of the 48 States in this Union immediately following Mondell's attempt to put me out of this House, commending my report and denouncing Mondell. Every colleague in this House will find that many are from his State, and some at least are from his district.

#### ALL OPPONENTS DISCOMFITED

In every primary campaign since Mondell's action, some new opponent urged by my enemies to run against me will deluge my district with copies of Mondell's motion to expel me, and of the attacks made on me, but they have no effect upon my constituents. They know me well. They knew me as a practicing attorney. They knew me as their circuit judge for 8 years, when I cleared congested dockets in five large counties, and enforced the law. They have known me as their Congressman, and they know what I stand for, and what I do here in Washington. I have gone to the trouble of recounting the facts connected with said Mondell's attack,

so that all of my new colleagues might have a proper picture of the matter before them.

Many of my closest friends in Congress are the most loyal friends and supporters of every proposal made by organized labor. They know that I am not with them in some of their fights. But they know that I always fight fairly and squarely on every issue, and that I never straddle the fence, and they always know exactly what to expect of me, and where to find me. And many times, where I think they are right, I am fighting in the front line for demands of organized labor. When I think they are wrong, I fight against them.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. STACK. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes on current legislation.

Mr. O'CONNOR. Mr. Speaker, reserving the right to object, may I ask the gentleman if this is on any particular current legislation? If it is on the bonus question, I am going to object.

Mr. STACK. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. O'CONNOR. Mr. Speaker, I object.

#### COMMITTEE ON MILITARY AFFAIRS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may have permission to sit during the sessions of the House today and tomorrow in order to conclude promptly the hearings on the T. V. A.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### COMMUNISM

Mr. DICKSTEIN. Mr. Speaker, I am very happy to note that the Jewish labor unions of this country, consisting of 450,000 men and women, have gone on record in a resolution condemning communism and advocating its destruction, as well as condemning all of its activities.

I ask unanimous consent to revise and extend my remarks by inserting an article that appears in the Baltimore News and the Baltimore Post on this question.

Mr. MARCANTONIO. Mr. Speaker, reserving the right to object, are they the gentleman's own remarks?

Mr. DICKSTEIN. No; the gentleman has made his remarks. The gentleman would like to incorporate an editorial on the question of this organization condemning communism in its ranks.

Mr. MARCANTONIO. I object, Mr. Speaker.

#### PAYMENT OF ADJUSTED-SERVICE CERTIFICATES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the *RECORD* at this point and insert an appeal from the steering committee for the passage of H. R. 1, presented to the President this morning asking him not to veto the bill for the payment of the adjusted-service certificates, which passed the House by a vote of 318 for to 90 against, and the Senate by a vote of 55 for and 33 against.

Mr. SNELL. Mr. Speaker, I did not understand where the appeal is from.

Mr. PATMAN. From the steering committee of 22 members for the passage of H. R. 1, including myself.

Mr. SNELL. Did I understand the gentleman to state it is the Democratic steering committee?

Mr. PATMAN. The steering committee for the passage of H. R. 1, which is composed of 19 Democrats, 1 Republican, 1 Progressive, and 1 Farmer-Laborite member. It is not the Democratic steering committee.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether these are copies



of letters sent from this steering committee previously to the Membership of the House?

Mr. PATMAN. No; I think the gentleman will find some new information that will be enlightening to him and I hope he will read it carefully, because it is good.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Texas whether I understood him to say this comes from the steering committee of the House?

Mr. PATMAN. I think I made it plain, I will state to the gentleman, that it is from the steering committee for the passage of H. R. 1. It is an organization well known in this House. Everybody knows what I am talking about when I say "steering committee for the passage of H. R. 1."

Mr. TAYLOR of Colorado. I do not know whether they do or not.

Mr. PATMAN. They are all Members of Congress.

Mr. TAYLOR of Colorado. In other words, it is the bonus steering committee rather than the official steering committee of the majority party.

Mr. PATMAN. I do not use the word "bonus"—I say it is not a bonus—but this is the steering committee for the passage of H. R. 1, the Patman bill. It is a well-known organization and I doubt if you can find a Member of this body who does not know about it.

Mr. DIES. Composed of the ablest Members of the House, I may say to the gentleman.

Mr. TAYLOR of Colorado. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

STATEMENT PRESENTED TO THE PRESIDENT OF THE UNITED STATES BY THE HOUSE STEERING COMMITTEE FOR THE PASSAGE OF H. R. 1 ON MAY 20, 1935

We are not entitled to be victorious in our efforts to secure the enactment of the bill that has recently passed Congress to pay 3,500,000 World War veterans \$2,000,000,000 unless we can show the following:

1. That each veteran who holds an adjusted-service certificate is entitled to an amount at this time equivalent to the full face or maturity value of the certificate, although it is payable January 1, 1945.

2. That such payment can be made without detriment to the country and without impairing in any way a sound monetary system.

We believe that the country is convinced, after a thorough understanding of the question among the veterans and nonveterans that this debt is really past due, although payable in the future, and that it can be paid according to our proposal not only without detriment to the country, but in a way that such payment would be a godsend to the country.

The average veteran holds a certificate for \$1,000. The amount was arrived at by allowing him \$1 a day extra for home service and \$1.25 a day extra for service overseas during the World War; such basic credit, which was on the average \$400, was increased 25 percent as compensation for deferred payment from 1925 to 1945, making the credit \$500. This amount at 3½-percent interest, compounded annually, amounts to \$1,000 January 1, 1945. The basic credit, however, was used to arrive at the amount of an adjusted-service certificate, which would be equal to the amount of an endowment insurance policy, based upon the American Experience Table of Mortality at 4 percent. We are not asking to change the \$1 and \$1.25 a day compensation, but we are asking that the debt be paid as of the time the veterans rendered the service. In arriving at the amount due each veteran, 7 years' interest was entirely overlooked. The then Secretary of the Treasury confessed before a congressional committee in 1931 that interest for 7 years was entirely ignored.

#### INTEREST WILL CONSUME

The Adjusted Compensation Act of 1924, although giving the veterans an average certificate of \$1,000, contained terms and provisions that caused them to pay on limited loans 6, 7, and 8 percent interest compounded annually for their own money, which would result in the veteran having the greater portion of his certificate consumed by the payment of compound interest by the time of its maturity in 1945.

#### OTHERS RECEIVED ADJUSTMENT IN CASH

Seven thousand war contractors received adjusted pay amounting to billions, directly and indirectly, after the war was over; many of them had invalid and illegal contracts which were validated by Congress. They were paid in cash. The railroad owners received a guaranteed return during the war equal to the average return 3 years prior to America's entrance into the war, which was the most prosperous period of railroading in the United States; in addition, they were given \$3,000,000 a day extra pay for the next 6 months after being released from Government operation. Their

adjustments in pay amounted to between one and two billion dollars; they were paid in cash. There were about 500,000 Federal civilian employees during the war; all of them receiving \$2,500 a year or less had their pay adjusted, and the average received \$1,000 extra pay. It was paid in cash. Many soldiers worked on the public roads in America during the war, side by side with civilians who were receiving \$8 a day; these soldiers received an adjustment of \$7 a day, representing the difference between their soldier pay of \$1 a day and the \$8 a day drawn by the civilians. They were paid in cash after the war. Foreign countries, our allies during the war, were loaned billions of dollars by our Government after the war was over. They used a part of this money to pay their own veterans adjusted compensation and bonuses aggregating as high in some instances as \$7,290 each.

#### VETERANS ASK FOR SAME INTEREST RATE AS OTHERS

If the veterans are allowed interest from the time the services were rendered instead of from 1925, they will not be receiving special favors from the Government. For instance, when the war was over, applications for tax refunds were filed by individuals and corporations, many of them claiming that they had paid too much income taxes during the war and others claiming that they failed to deduct a sufficient amount for depreciation of their facilities used in war services. These claims were made, although they had made and sworn to the income-tax returns themselves. The Secretary of the Treasury refunded to large income-tax payers more than 3,000 million, or \$3,000,000,000, from the year 1922 to the year 1929, inclusive—an amount more than sufficient to pay the remainder of the adjusted-service certificates in full. Much of this money was refunded or given back to them on the theory that the taxpayers did not charge off a sufficient amount for depreciation in value of their properties during the war from 1917-19. A large part of it was refunded in plain violation of the law. A large number of the beneficiaries of these large gifts were war profiteers and should have been convicted of treason for dissipating and plundering our resources during the war. When each refund was paid the Treasury also paid the one receiving it 6-percent interest from the year it was claimed the deduction should have been made. On one refund to the United States Steel Corporation of \$15,736,595.72, interest amounting to more than \$10,099,765 was paid. Mr. Andrew Mellon while Secretary of the Treasury made large refunds to himself and to his companies, and in each case allowed 6-percent interest from the year he claims the credits should have been given and not from 1925, the date of the adjusted-service certificates, or 7 years later.

One receiving a tax refund in 1925 for an alleged overpayment in 1918 was paid 6-percent interest from 1918 on the amount of the payment. There is no reason why the veterans should not be paid from the time they rendered their services until 1925, the date of the certificates.

#### PAY RECEIVED IN SERVICE

An enlisted man, private, received \$1 a day, except the overseas service, when he received 10 percent extra, or \$1.10 a day. They were permitted, and in many cases required, to make allotments of a certain amount of their pay monthly to their dependents; the amount varied from \$5 to \$25 a month and was deducted from the amount due them. They also paid for altering and mending their clothing and shoes, barber bills, laundry bills, and other incidental expenses. In addition, the average veteran had deducted from his pay \$6.60 a month for insurance (they paid \$400,000,000 to the Government in this way for which they have received no financial benefit); if he had anything remaining after these deductions were made, he was usually required to subscribe for a Liberty bond on the installment plan, which was sold at a loss at the end of the war. Many drew nothing at the end of the month.

#### CERTIFICATES SHOULD BE DATED BACK

We are asking in this legislation that the certificates be dated back to the time the services were rendered and the veterans allowed 6 percent interest instead of 3½ or 4 percent. We believe this revision is necessary to carry out the intent of Congress to allow each veteran \$1 a day extra for home service and \$1.25 a day extra for service overseas. It is certainly reasonable, and if such legislation is made, each veteran was entitled to an amount equivalent to the full face or maturity value of his certificate, October 1, 1931.

No veteran who served less than 111 days has an adjusted-service certificate.

#### METHOD OF PAYMENT

Our bill provides that the veterans will be paid in United States notes, the same kind of money now outstanding. They now hold Government obligations payable in 1945. We are not asking that the Government invoke a new policy or principle for the issuance of money, but to invoke, in the interest of all the people, an established governmental policy now used by the 12 banks, which are owned by private corporations and which are privileged to use that misleading title "Federal Reserve." We propose to give the veterans the right to deposit 1945 obligations and receive new money in return in identically the same manner that banks are entitled to use the Government's credit. Our bill provides for safeguards against even dangers of inflation and will cause all the gold in the Treasury to be used as a backing for the money. The Treasury has in its possession the title to which is in the United States eight and three-quarter billion dollars in gold and almost a billion dollars in silver. The Treasury has \$15 in gold and \$2 in silver to pay every outstanding \$10 bill in America today. If the veterans are paid \$2,000,000,000 remainder due, there will still



be sufficient gold to redeem all outstanding money 100 cents on the dollar and the Treasury have remaining in its vaults idle and unused \$2,000,000,000 in gold and silver.

#### MORE GOLD BEHIND IT THAN BANKERS' MONEY

The most enthusiastic advocate of the gold standard and the most reactionary banker cannot question the soundness of this money, which will have 60 percent more gold behind it than any Federal Reserve note or other bankers' money ever had.

#### A NEW AND ALTERNATIVE SUGGESTION

The daily statement of the United States Treasury for May 10, 1935, discloses that the Government has \$852,364,042.27 in gold in the general fund; this gold cannot be paid out under existing laws. We understand the Secretary of the Treasury contemplates retiring national bank currency with a large part of it by delivering gold certificates based upon this gold to the Federal Reserve banks which will issue Federal Reserve notes to take up the national bank currency. This will result in the 12 Federal Reserve banks getting this gold which they can use to issue two and one-half dollars of Federal Reserve notes to every \$1 of gold. Each new dollar so issued may be used by the banks of the country as a basis for lending \$10 to the people. Therefore, each dollar of gold delivered to the Federal Reserve banks will permit the banking system to lend twenty-two and one-half dollars on it to the people and collect interest thereon. We respectfully suggest and urge that this gold not be delivered to the Federal Reserve banks but instead that it remain in the general fund where it will secure United States notes or that it be transferred to the gold reserve against United States notes. This amount alone is sufficient to secure the \$2,000,000,000 to be paid to the veterans on a 40-percent gold basis. No country on earth ever suffered from inflation when it issued money based upon a gold reserve equal to 40 percent. It is not necessary to transfer the gold from the general fund in order for it to secure the issuance of additional United States notes. Our bill causes all gold belonging to the United States to secure the additional money to be issued.

#### TWO BILLION DOLLARS IDLE GOLD

If this suggestion is carried out, the gold will then be used as follows:

To secure all outstanding paper money at this time not including silver certificates which are secured by silver, approximately.....	\$4,000,000,000.00
To secure the \$346,681,016 in United States notes now outstanding and the \$2,000,000,000 to be issued to pay the veterans.....	1,008,703,849.68
Exchange stabilization fund.....	1,800,000,000.00
Total.....	6,808,703,849.68

The Treasury statement of May 10, 1935, discloses that the Government owns \$8,734,105,462.96 in gold. The amount is increasing daily. If the gold is earmarked as herein indicated, the Treasury will have on hand approximately \$2,000,000,000 in idle and unused gold after the veterans are paid in full in cash with money that is based upon an adequate gold reserve.

#### SAFEGUARDS AGAINST INFLATION

No country on earth has ever suffered from inflation by reason of the issuance of paper money based upon an adequate reserve. Our bill provides that in the event the commodity price level exceeds the 1921 to 1929 average, or in the event the Secretary of the Treasury believes—the matter is left entirely up to his good judgment—that there is danger of undue expansion of the currency, Federal Reserve notes may be withdrawn to prevent it. Therefore, the push-and-pull provisions of this bill permit the Secretary of the Treasury to retire Federal Reserve notes as United States notes are paid into circulation and our circulating medium may not necessarily be increased by \$1. Such payment, however, will result in a great benefit to the people. Every day \$2,000,000 in Federal Reserve notes is outstanding, someone is paying interest on those notes, although they are based upon Government credit, which is used free of charge by the Federal Reserve banks. But the \$2,000,000,000 in United States notes, which will replace this amount of Federal Reserve notes, will be paid into circulation, and no one will be paying interest upon this money while it is outstanding. On a 3-percent interest basis, this will be a net saving to the people of \$60,000,000 annually. While our bill will not necessarily cause more money to be placed into circulation, it will cause a wide distribution of money, which is very much needed in our administration's recovery program.

#### SHOULD USE IDLE GOLD

Under our laws gold is money and not a commodity, and it is the duty of the Treasury Department to treat it at all times as money. Even under the gold-standard system, the increase in the amount of gold in the Treasury meant an equal increase in the amount of gold certificates in circulation. The Gold Revaluation Act and the Thomas amendment to the agricultural bill, approved by the President, clearly contemplated a continuance of the fundamental principle that an increase in gold stocks should be accompanied by an equal increase in paper currency in circulation.

But in actual administration the Treasury is ignoring this fundamental principle by treating three billions of gold in the Treasury as a commodity. This policy is more reactionary than the operation of the gold standard. It means that money in actual

circulation will not be increased in accordance with the ancient principles that have governed our monetary policies in the past.

The Patman bill will mean that we will obey the law and treat all the gold as money, the same as it would be treated if we were on a straight gold-standard system.

#### CURRENCY NO MORE INFLATIONARY THAN BONDS

We cannot subscribe to the argument that our Government should pay tribute in the form of interest to a few bankers and other holders of Government obligations in order to discourage the issuance of more Government credit. If we can stop issuing bonds, we can stop issuing money. No one will contend that Government bonds are not just as inflationary as Government currency. There is a big difference to the people between bonds and currency. We will always need more than \$5,000,000,000 of actual money in circulation—outstanding—and certainly the Government can safely issue that amount without question and save the people the interest on its initial issuance. In other words, pay that much money into circulation and permit it to remain outstanding instead of permitting the banks to lend it into circulation and require the people to carry an interest burden every day it is outstanding.

#### PEOPLE UNDERSTAND MONEY QUESTION

We respectfully submit that the people of this Nation, veterans and nonveterans, are better informed on the issuance and distribution of money and Government credit than ever before in the history of our country. We believe that our bill has the approval of at least 80 percent of the people who have an understanding of this subject.

#### TERM "BONUS" A MISNOMER

The term bonus, which is a misnomer, coined by the enemies of the law, has tended to prejudice our cause before the people.

#### REVISION OF CONTRACT TO DO JUSTICE

We insist that the veterans and the people do understand this issue—they understand that the certificates are not legally payable until 1945. They also understand, however, that in computing the amount due the veterans, interest for 7 years was ignored; that this is an undisputed fact, and if the Government will now revise the terms of the certificates in order to give the veterans the benefit of this ignored 7 years' interest and make a fair adjustment of the interest rate, which will carry out an established governmental policy, the average veteran holder was entitled to an amount equivalent to the full amount of his certificate, October 1, 1931. They understand, further, that if this adjustment of interest rate is made, it will be giving the veterans the same rights and benefits, and no more, as were given to others by the Government on contracts involving property rights growing out of the World War.

#### TRICKY FIGURES

We hope our great Executive will carefully analyze all information that is given to him for the alleged purpose of showing what it is now costing the Government annually to care for disabled World War veterans and their dependents. We desire to respectfully warn our President that there is a set of tricky figures in existence, which represent fallacious theories, half truths, untruths, and incorrect statements. These tables use the year 1932 as an example and they are padded by more than \$400,000,000.

#### SEVEN PERCENT OF VETERANS RECEIVING CHECKS MONTHLY

Much has been said about benefits being received by disabled veterans of the World War. The question is not related to the payment of the adjusted-service certificates; however, it is interesting to note that only 7 percent of the men who served our Nation in uniform during the World War are now receiving compensation and disability benefits from the Government. Only a very small percentage of the three and one-half million holders of the adjusted-service certificates have ever received a benefit from the Government except the adjusted-service certificates.

#### MEASURING A NATION'S GENEROSITY

There is only one fair way of comparing generosity of nations toward their defenders, and that is upon the ability of a nation to be generous, which is determined largely by national wealth and national income. We are not giving this information in support of more generous benefits to veterans but for the purpose of answering fallacious arguments. For every \$1,000 of national wealth in 1932 the United States paid her veterans \$1.39; Great Britain, \$1.93; Canada, \$2.03; Italy, \$2.74; France, \$5.64; and Germany, \$6.22. For every \$1,000 of national income the United States paid her veterans \$6.83; Canada, \$10.15; Great Britain, \$11.01; Italy, \$13.28; Germany, \$19.64; and France, \$42.48. If population for a basis is desired, it will be discovered that the annual expenditure per capita was: Italy, \$1.64; United States, \$3.40; Great Britain, \$3.95; Germany, \$4.80; Canada, \$6.11; and France, \$6.66.

The only fair way of measuring generosity of a nation being based on wealth and income, it will be noticed that the conquered country, Germany, is paying her veterans several times as much as the United States. The tricky figures indicate that the United States expended \$860,635,000 for World War veterans during the year 1932, when, in truth and in fact, the sum that should have been charged up to the veterans was \$425,635,000.

#### VETERANS NOT PAID FOR PATRIOTISM

When the veterans receive this extra \$1 and \$1.25 a day, they will then have received about 20 percent or 25 percent of what civil employees received during the World War. When they do not



receive any more than the poorest-paid class of laborers in America received during the World War, it cannot be said the Government is paying them for their patriotism.

The veterans have the interest of their country and Government at heart. After a general understanding in regard to the Government's obligation in this matter by veterans and non-veterans, we believe it is the sentiment of 80 percent of the people of this Nation that this debt be paid now in the manner that we propose. Less than 20 percent of the combined membership of the House of Representatives and the United States Senate voted against our proposal. In 1932 when the bill passed the House of Representatives there were 176 votes against it; in 1934 there were 125 votes against it; and in 1935 only 90 against it. This vote reflects the sentiment of the country on this question as Members of the House are elected every 2 years.

#### VETERANS BORROWED ACCUMULATED INTEREST

If the Government discharges this debt now on the basis of \$1 a day for home service and \$1.25 a day for service overseas as of the time the services were rendered with an allowance of a fair rate of interest, the veterans have borrowed the accumulated interest only, the principal sum remaining intact. This money will not only be a relief to the veterans, but will be a relief to the nonveterans as well. It will go into the channels of trade and business and will help everybody. The privilege given to veterans in employment, which is often charged up against them, is very small help to the large group.

#### VETERANS NEED THE INSURANCE

It is true that a large percentage of the veterans who die leave no other assets for their dependents but the balance due on their certificates. Between now and 1945 about 300,000 veterans will probably die, using past figures as a basis. Surely we should not cause 3,000,000 veterans to pay the banks and the Government the remaining half of their adjusted-service certificates as compound interest on the first half that was borrowed in order to let dependents of 300,000 collect the small amount they will get instead of letting the veterans themselves collect it now while they are living.

#### INTEREST CONSUMES HALF OF CERTIFICATES

We do not consider it fair and right for the Government to compel the veterans to pay the banks and the Government a dollar of their certificates every time they get a dollar. We further believe it is against the public interest to require the people to pay \$2,000,000,000 as a rake-off to the bankers on bonds in order to pay the veterans a \$2,000,000,000 debt.

#### VETERANS TO BE GIVEN SAME RIGHTS AS BANKS

Banks are permitted to receive money in return for 1945 Government obligations. How can we consistently refuse to let the veterans have the same right? No one can claim that the money we propose to issue will not be as good in every way as the money issued to the Government by the banks. The great sin we are accused of committing is refusing to allow a few bankers their usual cut, bonus, or grab for the use of the Government's credit.

#### PAY NOW, PREVENT UNREASONABLE DEMANDS

An effort is made to scare the people with slogans indicating that the payment of this debt will be followed by an unreasonable demand. If the veterans are paid now and should come in and make an unreasonable demand, the sentiment of the American people will be against them and they will not succeed, whereas if the Government sits idly by and permits the banks and Government to eat up half of each certificate in interest and the veterans get practically nothing in 1945, the sentiment of the American people will doubtless be in favor of the veterans, and even unreasonable demands might be granted.

#### PAYMENTS TO HOLDERS OF GOVERNMENT BONDS

During and since the World War more money has been paid to holders of Government bonds than the total of all Government expenditures for the benefit of all veterans. Since our Government has been established more money has been paid as interest on Government obligations than has been paid to veterans of all wars and their dependents.

#### IN AID OF RECOVERY

Some have argued that this debt, if paid, would be spent unwisely. Statistics furnished by the Veterans' Administration, however, reveal that of the loans thus far advanced on the certificates, 65 percent was spent for personal and family needs; 20 percent was invested; 8 percent was used to purchase automobiles; and only 7 percent was utilized in such a way as to provide the veteran with no practical benefits. These figures astound the reader with evidence of the practicability and sound judgment of the veterans as a class. Perhaps no other numerous group in America squanders so small a share of its income.

It is generally agreed that to bring about recovery we must restore purchasing power, but we must distribute purchasing power widely among the masses. Depression means that one class has a monopoly on purchasing power; prosperity means that purchasing power is widely distributed. H. R. 1 affords us the most efficient plan yet proposed for restoring and distributing purchasing power among the masses. The money will be paid to 3,500,000 veterans in every nook and corner of the land. Every one of the 3,072 counties in the country will be immediately and directly benefited; every phase of industry will be "primed" and stimu-

lated by this act. Veterans will buy food and clothes for themselves and families; they will build new homes and renovate old homes; they will buy automobiles; they will invest in business; and some of them will probably pay their debts, thus providing their creditors with purchasing power.

Cash payment of the adjusted-service certificates will not be a dole. It will be the payment of a just obligation; it will be the payment of a debt owed by all classes to one class. It will prove that Americans still regard heroism as a virtue; and that our gratitude does not melt away with the coming of peace.

Respectfully submitted.

House steering committee for passage of H. R. 1; Wright Patman, chairman; Ade Murdock, secretary; Adolph J. Sabath, James G. Scrugham, Arthur H. Greenwood, Wm. L. Colmer, Jennings Randolph, Clarence Cannon, Wm. P. Connery, Jr., Wm. M. Berlin, Frank Hancock, Jed Johnson, James P. Richards, Gerald J. Boileau, Andrew J. May, Fred H. Hildebrandt, Martin F. Smith, Martin Dies, John E. Miller, George A. Dondero, Paul J. Kvale, Roy E. Ayers.

#### SUMMARY OF STATEMENT PRESENTED TO PRESIDENT BY THE STEERING COMMITTEE FOR THE PASSAGE OF H. R. 1, MAY 20, 1935

1. Each veteran was entitled to the full amount of his certificate in 1931, although his certificate is payable in 1945.
  2. Such payment can be made without a bond issue, increase of taxes, detriment to the country, and without impairing in any way the sound monetary system.
  3. In arriving at the amount due each veteran 7 years' interest was entirely overlooked.
  4. If veterans not paid now, compound interest to the Government and to banks will practically consume the remaining half of the certificates.
  5. The question of whether or not the adjustment should have been made is not material as it was passed upon by Congress in 1924.
  6. The veterans are now asking that the debt be paid as at the time the service was rendered with the same fair rate of interest that others received on war contracts.
  7. We propose to issue \$2,000,000,000 in United States notes, the same kind of money now outstanding. We are going to have more than 100-percent gold reserve to back these notes.
  8. A new and alternative suggestion is made that the \$852,000,000 in gold in the general fund be transferred to the gold-reserve fund for United States notes, which will be ample to secure the \$2,000,000,000 paid to the veterans, on the basis of 40-percent gold reserve. This will provide ample gold to cover all outstanding money and leave the stabilization fund of \$1,800,000,000 untouched and the Treasury \$2,000,000,000 in idle gold.
  9. Proper safeguards are provided against inflation. There will not be a chance of an inflation of the currency.
  10. The idle gold in the Treasury should be used and save the people interest on bonds.
  11. Currency is no more inflationary than bonds.
  12. The people, veterans and nonveterans, understand the money question, and at least 80 percent of the people approve this legislation.
  13. Tricky figures are in existence purporting to show excessive costs to the Government on account of World War veterans and their dependents. The figures are analyzed in the statement. Only 7 percent of veterans are receiving monthly checks.
  14. The payment now will make improbable unreasonable demands of the veterans, whereas, if payment is not made now and the remaining half of the certificates is consumed by compound interest paid to the banks and the Government as interest on a loan of the first half, the people will sympathize with the veterans to the extent of favoring the most generous benefits proposed.
- If this bill, H. R. 1, which now bears the number H. R. 3896, is enacted into law, it will result in the following:
1. It will save the Government more than a billion dollars, which otherwise would have to be appropriated between now and 1945 to the adjusted-service certificate fund.
  2. It will save the Government more than \$10,000,000 in administration expenses of the act between now and 1945.
  3. It will place into circulation \$2,000,000,000 of Government money that is paid into circulation and not loaned into circulation, thereby saving the people an enormous sum annually on interest charges.
  4. It will pay a debt heretofore confessed by the Government to the veterans for services rendered.
  5. It will be granting to the veterans the right to deposit Government obligations and receive in return therefor new currency, the same right that is now enjoyed by the privately owned Federal Reserve banks.
  6. It will prevent the veterans from losing a valuable equity by releasing them from the payment of compound interest on their loans.
  7. Such payment will require no bond issue, no increase in taxes, and no additional interest payments by the Government. The debt must be paid sometime—everybody will be helped if it is paid now.
  8. It is the best plan that has been proposed to be used as a vehicle to convey additional money into the hands of those who buy goods.
  9. The veterans will get about \$2,000,000,000. It will cost the Government about two and a quarter billion dollars, the difference being caused by the failure of Congress to make sufficient appropriations for the adjusted-service certificate retirement fund.



## AMERICAN JEWISH VETERAN HEROES OF THE PAST

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a radio address which I delivered yesterday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following remarks, and an address delivered by me before the Jewish War Veterans, at their memorial service held in Temple Emanuel, Sunday, May 19:

ANNOUNCER. The National Broadcasting Co. is pleased to cooperate with the Jewish War Veterans of the United States in bringing to you their fortieth annual national memorial service, which is being held at Temple Emanu-El in New York City. There has been an elaborate parade, in which many veteran groups participated. The colors have been massed and the service is now in progress.

Dr. Solomon A. Fineberg, national chaplain in chief of the Jewish War Veterans of the United States, is in charge of the service. Capt. William Berman, commander in chief of the Jewish War Veterans of the United States, will present the principal speaker, the Honorable EMANUEL CELLER.

Captain BERMAN. The season has arrived when Americans of all races, colors, and creeds assemble in their houses of worship to honor the memory of those who died as a sacrifice to our country's honor and preservation.

It is in reverent thought and memory of those countless American patriots who have served our Nation on land and on sea and in the air that the Jewish War Veterans of the United States are here assembled in New York to pay their tribute.

To our comrades and friends assembled here and to those who are listening in I am happy to present a man who has always been a spokesman for, and an advocate of, those ideals dear to American veterans, the Honorable EMANUEL CELLER, Member of Congress from the State of New York.

Mr. CELLER. Obviously patriotism may be shown in peace as well as in war, but the record of service of the American Jew will stand the test of either peace or war.

"From the day of the founding of the Republic," said Theodore Roosevelt, "we have had no struggle, military or civil, in which there have not been citizens of Jewish faith who played an eminent part for the honor and credit of the Nation."

General Washington in the revolution welcomed their cooperation.

General Jackson was a warm upholder of their fidelity.

General Pershing witnessed and praised their loyalty in arms.

President Cleveland in a public address said: "When with true American enthusiasm and pride we recall the story of the war for our independence, and rejoice in the indomitable courage and fortitude of our revolutionary heroes, we should not fail to remember how well the Jews of America performed their part in the struggle and how in every way they usefully and patriotically supported the interests of their newly-found home. Nor can we overlook, if we are decently just, the valuable aid cheerfully contributed by our Jewish fellow-countryman in every national emergency that has since overtaken us."

Mark Twain writes: "I find that he (the Jew) furnished soldiers and high officers in the Revolution, the War of 1812, and the Mexican War. In the Civil War he was represented in the armies and navies of both the North and the South by 10 percent of his numerical strength—the same percentage that was furnished by the Christian population of the two sections."

## LET US BRIEFLY VIEW THE RECORD

Years before the Revolution, Jews united with their fellow Colonials for independence. For example, the Nonimportation Resolutions in 1765, the first organized movement in the agitation for separation from the mother country; a document still preserved in Carpenter's Hall, Philadelphia, contains many Jewish names like Benjamin Levy, Samson Levy, Joseph Jacobs, Hayman Levy, Jr., David Franks, Mathias Bush, Michael Gratz, Bernard Gratz, and Moses Mordecai.

In 1779, a corps of volunteer infantry composed chiefly of Hebrews under the command of Captain Lushington, was raised in Charleston, S. C. These soldiers fought afterward with great bravery under General Moultrie at Beaufort.

In the clouds that beset that great group of patriots of the Revolution, the true courage and unselfish patriotism of Haym Salomon shines forth. Haym Salomon, of Philadelphia, was a man of large private fortune, engaged in commercial pursuits, of great financial resources and ability, and of the highest personal integrity. He espoused the cause of the Colonies with great ardor, and supplied the Government from his own means with a large amount of money, even to the extent of \$650,000, a huge sum in those days, at the most critical periods of the struggle.

Cyrus Adler has called attention to the following interesting incident: At the outbreak of the Revolutionary War, one Mr. Gomez, of New York, proposed to a member of the Continental Congress that he form a company of soldiers for service. The Member of Congress remonstrated with Mr. Gomez on the score of age, he then being 68. To this, Mr. Gomez replied that he "could stop a bullet as well as a younger man."

Among the patriots of the South, none worked more unselfishly and patriotically than Mordecai Sheftall. After active hostilities were begun in the South, he was appointed commissary general to the troops of Georgia in July 1777, and soon thereafter was also appointed commissary to the Continental troops. When the British attacked Savannah in December 1778, Sheftall's name appears not only foremost among the patriot defenders of that city and as one who advanced considerable money to the cause, but also as one who was placed on board the prison ship because of his refusal to flock to the royal standard.

Col. Isaac Franks became aide-de-camp to Washington, held the rank of colonel on his staff, and served with distinction throughout the war. Maj. Benjamin Nones, a native of Bordeaux, France, who came to America in 1777, served on the staffs of both Lafayette and Washington. He entered service under Pulaski as a private, and, as he writes, "fought in almost every action which took place in Carolina, and in the disastrous affair of Savannah shared the hardships of that sanguinary day." He became major of a legion of 400 men attached to Baron de Kalb's command and composed in part of Hebrews.

Col. David S. Franks, of Montreal, openly sympathized with and aided the Americans under Generals Montgomery and Arnold during their invasion of Canada. When the American forces abandoned that country in 1776, he was forced to flee from Canada. He later became aide-de-camp to Benedict Arnold. Because of Arnold's treason, suspicions were aroused against Franks. However, after a searching inquiry was made into his conduct, he was not only acquitted but was sent to Europe with important despatches to our Ministers, Jay and Franklin.

Philip Moses Russell in the spring of 1775 enlisted as a surgeon's mate under command of General Lee. After the British occupation of Philadelphia in September 1777, he became a surgeon's mate to Surgeon Norman, of the Second Virginia Regiment. Russell went into winter quarters with the army at Valley Forge, 1777-78. Sickness forced him to resign in August 1780. He received a letter of commendation from General Washington "for his assiduous and faithful attentions to the sick and wounded."

Solomon Bush, Col. Jacob de la Motta, Jason Sampson, Nathaniel Levy, David Hays and his son Jacob, Jacob I. Cohen, Maj. Lewis Bush, Joseph Bloomfield, Isaac Israel, and Benjamin Moses are the names of but a few of the other Jewish men who distinguished themselves upon the battlefields of the Revolution.

When the War of 1812 broke out there were about 3,000 Jews in the United States. Of this group many were found in the Army and in the Navy. Most of these brave warriors were sons of Revolutionary patriots. There was Aaron Levy, son of Hayman Levy and son-in-law of Isaac Moses, ardent Revolutionary patriot. Another familiar name is that of Haym M. Salomon, son of the patriot and financier. The Phillips family, which included Jonas Phillips, a soldier in the War of the Revolution, listed his son Joseph in the War of 1812, as well as two other members of the family. Many another prominent Jewish family was represented—officers and men who carried on the tradition established by their Revolutionary forefathers. Their ranks were augmented by a number of foreign-born Jews who took up residence in the United States after the Revolution. As ever with alien-born Jews, they espoused and fought unto death for the cause of their adopted country. Thus it is interesting to note that the Jew coming from other climes always became deeply rooted, deeply imbued with our traditions, and willingly made the supreme sacrifice for America, his newly adopted country. In all our wars there have always been these "lost battalions" composed of Jewish immigrants.

An interesting name of a Jewish soldier during the War of 1812 is that of Bernard Hart, division quartermaster during the war. His grandson, a non-Jew, was the novelist Bret Harte.

Southern Jews threw themselves into the patriotic cause with characteristic enthusiasm. Among them were Meyer Moses, a militia captain; Jacob de la Motta, a surgeon in the Army; Abraham A. Massias, first a captain, later a major; Chapman Levy, a captain of militia—to name but a few.

There were some Jewish men whose contribution to the war lifted them out of the rank and file. Such a man was Herman Hendricks, a New York merchant, who subscribed \$40,000, one of the largest individual subscriptions, for bonds to finance the war.

Joseph B. Nones, a midshipman in the Navy, was secretary to Henry Clay when the latter, as one of a commission of three, was sent to Ghent to the peace conference. Joseph was the son of Major Nones of Revolutionary War fame.

Nor could we omit the name of Mordecai Myers, captain in the war. At Sacketts Harbor he distinguished himself by rescuing some 150 shipwrecked sailors. Captain Myers saw active service in the Canadian campaign. At the battle of Chrysler's farm, near Williamsburg, while leading a charge against the British, he was severely wounded. Invalided for 4 months, he nevertheless returned to service and carried on until the end of the war.

At the time of the Mexican War, in 1846, the Jewish population was approximately 15,000. Yet Jews volunteered freely and in numbers greatly in excess of their comparative quotas. General David de Leon twice took the place of commanding officers who had been killed or disabled by wounds, and twice received the thanks of the United States Congress for his gallantry and ability. Surg. Gen. Moses Albert Levy; Col. Leon Dyer, Quartermaster General under Gen. Winfield Scott; Lt. Henry Seeligson, who was sent for by General Taylor and by him complimented for his conspicuous bravery at Monterey, are but a few of the sons of



Israel who left valuable evidences of their patriotism in the Mexican War.

In the Civil War the part that the Jewish men took is so conspicuous that it is difficult to pick out the most prominent men in the conflict. Mayer Asch, Nathan D. Menken, and Louis H. Mayer served on the staff of General Pope, Mayer serving also with Generals Rosecrans and Grant. Dr. Morris J. Asch served on the staff of General Sheridan. Major Lully, who during the Hungarian Revolution served on Kossuth's staff, rendered valuable service under the direction of the Secretary of War. Captain Dessauer, killed at Chancellorsville, and Newman Borchard served on the staff of General Howard. Max Cornheim and M. Szegley served on the staff of General Sigel.

Jewish staff officers in the Confederate Army and Navy are equally conspicuous, showing the spirit of Hebrew loyalty to the South. In the writings of Hon. Simon Wolf we note that North Carolina sent 6 Cohen brothers, South Carolina sent 5 Moses brothers, Georgia sent Raphael Moses and his 3 sons, while yet another Moses brother came from Alabama, Arkansas furnished 3 Cohen brothers, Virginia sent out 3 Levy brothers, Louisiana's muster rolls also contain 3 brothers of the same name; while still another trio of Goldsmiths went forth from the South, 2 from Georgia and 1 from South Carolina. Mississippi provided 5 Jonas brothers; Edward Jonas fought in the Fiftieth Illinois Regiment against his 4 Confederate brothers, 1 of whom was Benjamin F. Jonas, former United States Senator from Louisiana.

On the Union side, New York alone furnished 1,996 soldiers, among them the 5 Wenk brothers; Col. Simon Levy and his 3 sons—Capt. Benjamin C., Lt. Alfred, and Capt. Ferdinand, former register of New York City. The Feder brothers also came from New York. From Ohio, which furnished the next largest quota, 1,004, in the War for the Union, we have the 3 Koch brothers, while Pennsylvania, which sent 527 Hebrews, also sent 3 Jewish brothers of the name Emanuel. Thus 14 Jewish families sent 53 men to both armies; and, according to available statistics, 7,884 Jewish soldiers served in the Union and Confederate Armies during the Civil War, although there were only 150,000 Jews in the country at that time.

Time does not permit me to mention more than a few of the Hebrew officers in the Union Army who achieved high distinction. Frederick Knefler, a native of Hungary, attained the highest rank reached by any Hebrew during the Civil War. He enlisted as a private and fought his way up to the colonelcy of his regiment, soon rising to the rank of brigadier general, and was then brevetted major general for meritorious services at the Battle of Chickamauga.

Col. Edward S. Solomon, of Illinois, fought throughout all the campaigns in the Southwest, and was brevetted brigadier general. He was Governor of Washington Territory for 4 years by the appointment of President Grant.

Leopold Blumenberg, a Baltimore merchant, abandoned his business when Fort Sumter was fired upon and helped to organize the Fifth Regiment Maryland Infantry, of which he was appointed major. His regiment was engaged in the battle of Antietam under him as colonel. He was brevetted brigadier general, and died in 1876, the result of the wounds that he had received at Antietam.

These are but a few of the Jews who distinguished themselves upon the battlefields of the war for the Union.

Maj. Gen. O. O. Howard, after speaking of one of his Jewish staff officers as being "of the bravest and best", and of another killed at Chancellorsville as being "a true friend and a brave officer", and highly praising two Jewish brigadier generals, said: "Intrinsically there are no more patriotic men to be found in the country than those who claim to be of Hebrew descent and who served with me in parallel command or directly under my instructions."

The Jewish Yearbook for 1901 publishes the names of over 4,000 Jewish soldiers who served in the American Armies during the War with Spain. The first man to volunteer was a Jew and the first American to be killed in battle was a Jew. So eager were the Jews to prove their loyalty to the United States that 5,000 Jews of New York offered their services to the Governor.

"When war was declared," Capt. A. W. Murray writes, "the Jewish press throughout the country reminded their people of the wanton persecution of the Hebrews by Spain, covering many years. . . . The young Hebrew men did not require urging. Their love for America alone was enough, and they flocked to the standard of liberty, the Stars and Stripes."

Theodore Roosevelt, the intrepid leader of the Rough Riders, declared that in that brave regiment, which has challenged the admiration of the world, the most astonishing courage was displayed by the seven Jewish Rough Riders, one of whom became a lieutenant.

The Astor Battery numbered 10 Jews among their 99 men. Fifteen Jewish men went down to death in the *Maine*, which was destroyed in the harbor of Habana, and there was not an engagement during the War with Spain in which Hebrews did not take part. Many Jewish names appear on the list of killed and wounded.

Many, many cases could be cited where Americans of Hebrew extraction performed gallant and meritorious service under the flag in Puerto Rico, Cuba, and in the Philippines—fighting as bravely as did their fathers before them at Lepsic and Waterloo, under Kossuth and Garibaldi, before Sadowa and Sedan.

Time does not permit my citing the Jewish heroes of the World War. They are legion. Many are here this morning.

We now readily see the important and impressive part taken by valiant Jews—Jews emancipated but a few decades from Old World tyranny—in the building up of our own glorious America! In passing, is not this imposing record a complete answer to the unthinking and unjust slanders upon our race?

When an impartial historian shall write in words of praise the wonderful achievements of the heroes who made this possible, Jewish names will be found on every page!

ANNOUNCER. You have listened to a memorial service at Temple Emanu-El, under the auspices of the Jewish War Veterans of the United States. The present occasion marks the fortieth annual observance of memorial service by this organization, which, founded in 1896 by surviving Jewish veterans of the War between the States, now includes surviving veterans of the Jewish faith of all wars, campaigns, and military expeditions participated in by the United States.

Dr. Solomon A. Fineberg, national chaplain in chief of the Jewish War Veterans, was in charge of the service; Samuel Rose, national radio officer, arranged and directed the program. The principal speaker was the Honorable EMANUEL CELLER, a Member of Congress from New York, who was introduced by Capt. William Berman, commander in chief of the Jewish War Veterans of the United States.

#### PAYMENT OF ADJUSTED-SERVICE CERTIFICATES

Mr. STACK. Mr. Speaker, I renew my unanimous-consent request to address the House for 3 minutes, as I understand the gentleman from New York [Mr. O'CONNOR] is willing to withdraw his objection.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for 3 minutes on current legislation. Is there objection?

Mr. O'CONNOR. Mr. Speaker, I withdraw the objection, because I understand the gentleman is going to speak just about his State.

Mr. STACK. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. STACK. Mr. Speaker, I have a philosophy of government in which I believe you and I, the Representatives of the 435 districts of the United States, are just the errand boys, glorified, if you will, of the people of the United States. I come from the Sixth Congressional District of Pennsylvania and represent approximately one-half million people. I am a constituent of the junior Senator from Pennsylvania, JOSEPH F. GUFFEY, for whom I voted on the 6th of last November. As a constituent of his I am asking him to pay attention to this editorial:

#### SENATOR GUFFEY'S BONUS VOTE

Senator GUFFEY's vote against the Patman bonus bill was doubtless the result of a difficult decision.

It may be assumed that the Senator, as an astute political leader, sensed the popularity of the Patman bill and that as a liberal he would be inclined to support it.

On the other hand, Senator GUFFEY was explicitly pledged to support President Roosevelt. That was his campaign promise to the people of Pennsylvania. At the time he made it, Senator GUFFEY had no reason to believe that the President would soon be on the wrong and unpopular side of a major issue.

Senator GUFFEY stood by that promise under circumstances that do credit to his courage. Senator WAGNER, of New York, outstanding liberal, followed the same course and for the same reason.

But their action raises an interesting question in political ethics: Should a United States Senator so bind himself by a pledge of loyalty to any President or party that he must vote contrary to his own convictions and the convictions of his constituents?

Obviously a Senator who carries his loyalty to an extreme becomes a mere automaton—and if the voters of Pennsylvania had desired an automaton they would not have elected a man of GUFFEY's outspoken and independent personality.

Within the bounds of loyalty there must be room to exercise the personal convictions of any man occupying a position as important as a Senator of the United States.

In Senator GUFFEY's case on the Patman bill there would have been a particularly valid argument for a broad interpretation of his campaign pledge to support the President.

What does "support of President Roosevelt" mean? It means that Senator GUFFEY agreed with the Roosevelt philosophy, endorsed the Roosevelt policies, and pledged himself to further them.

The major Roosevelt policies are:

To restore the 1926 price level.

To increase purchasing power.

To help the "forgotten man" obtain social justice.

The Patman bill tends toward all three objectives. By issuing new currency it should decrease the swollen value of the dollar and aid in restoring an equitable balance between debtor and creditor.

The payment of \$2,000,000,000 to veterans would stimulate business in the only way it can be stimulated—by giving business customers.



The war veteran certainly is not the only "forgotten man." But the great majority of veterans have not received fair compensation, either for their war service or for their subsequent labor in the industry and agriculture of America.

The Patman bill is a new-deal bill. It is of the warp and woof of liberalism.

If Senator GUFFEY reverses his position and votes to override the President's veto he will be more faithful to "Roosevelt policies" than the President himself.

I was elected on a platform in which I said I would support "Roosevelt policies." I intend to support Roosevelt, but I also believe in majority rule. The big majority of the people in my district and State are for the Patman bill, and, therefore, I cannot do anything but vote to override the President's veto. I am a veteran and feel that the veteran has not been treated as he should be. I want my buddy—the "forgotten man"—to be treated fairly and to be paid his bonus and have it paid now. [Applause.]

#### CALENDAR WEDNESDAY

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

#### EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, in addressing the House a few minutes ago on communism, I understood the gentleman from New York [Mr. MARCANTONIO] objected to the editorial referred to. Do I understand that the gentleman also objected to my revising and extending my remarks along these lines?

The SPEAKER. The Chair is not able to inform the gentleman of what the gentleman from New York had in mind or upon what ground he objected.

Mr. DICKSTEIN. Then I again ask unanimous consent to extend my remarks—

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. DICKSTEIN. By inserting the editorials of these newspapers.

Mr. MARCANTONIO. I object.

Mr. DICKSTEIN. The gentleman objects to the newspaper articles?

Mr. MARCANTONIO. I object to the gentleman including extraneous material.

The SPEAKER. Objection is heard.

#### RULES COMMITTEE—LEAVE TO FILE REPORT

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow night to file a privileged report from that committee.

The SPEAKER. Is there objection?

Mr. SNELL. I think the gentleman ought to have until Saturday night.

Mr. O'CONNOR. The reason for that is because we could not file it tomorrow very well.

Mr. SNELL. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

#### SHALL WE CHANGE OUR FORM OF GOVERNMENT?

Mr. HESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a speech delivered over the radio by my colleague, Mr. BOLTON.

The SPEAKER. Is there objection?

There was no objection.

Mr. HESS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following radio address delivered by Hon. CHESTER C. BOLTON, of Ohio, over the Columbia Broadcasting System on Sunday, May 19, 1935:

The American people have been amazingly patient with the new deal—its experimentations, its borrowing and spending program, under its planned economy—hoping against hope, as its bureaus have grown and its bureaucrats have multiplied, that somehow, somehow, it would bring about relief, recovery, and reform. They have been patient with this new deal until its plans have become so contradictory and confused that the question has arisen in many minds, What is the plan of the national planners?

For months this question has been voiced, in one form or another, by speakers and writers of national distinction, including some of the most outstanding Democrats in the country. So it cannot be said, with any degree of fairness, that it is only a partisan inquiry. It grows in volume and insistence with each new-deal experiment. This is obvious to the most casual observer.

President Roosevelt himself took cognizance of this doubting, questioning state of the public mind in his recent "fireside chat", when he discussed plans for carrying out the latest new-deal experiment—the spending of the additional billions intrusted to his care, at his urgent request, to bring about relief and recovery. He assured his fellow countrymen that "the administration and the Congress are not proceeding in any haphazard fashion"—that each of the steps taken "has a definite relationship to every other step." Then he likened the job of creating a program for the Nation's welfare to the building of a great sea-going ship.

"When one of these ships is under construction", said the President, whom I quote, "and the steel frames have been set in the keel, it is difficult for a person who does not know ships to tell how it will finally look when it is sailing the high seas. It may seem confused to some, but out of the multitude of detailed parts that go into the making of the structure the creation of a useful instrument for man, ultimately comes. It is that way with the making of a national policy."

But in the minds of the many who are still confused, the President's parallel does not seem so reassuring. A great ship is built according to exact plans and specifications, which experience has shown will make it safe to sail the high seas. There is no guesswork about the process. It is known in advance that the multitude of detailed parts will fit together. The shipbuilder knows exactly how to put them together.

A great ship is not built experimentally—through a process of trial and error—like the new-deal ship. The builder does not announce he is building a new ship, in accordance with a new and untried theory of shipbuilding. That it may prove serviceable, and it may not, though he hopes and has faith that it will. That if it doesn't prove serviceable he will build another ship, along another line of experimentation, because he thinks we need a new ship, and anyway something has to be done about it. No. To say the least, this wouldn't be considered a very practical venture in shipbuilding. No level-headed investor would want to back such a rash enterprise—even with borrowed money, if he expected to have to repay it.

To many of us it appears plain that the "new dealers" conceive themselves in fact to be building a ship—a new ship of State. They have given us sufficient reason by their public utterances to believe they look upon the one in which we have sailed through so many perilous seas as outmoded, unseaworthy, and generally fit only for the historical junk heap.

On the other hand, many of us believe the ship of Washington and Jefferson, and the other master builders, is still the best ship afloat. We agree the superstructure should be remodeled to meet the needs of changed conditions. But in the absence of specific and understandable plans for the building of a better ship, we prefer to stay aboard the one we have, because we believe its keel and hull are safe and sound.

The "new dealers" are building something, undoubtedly. But a growing number of us cannot tell what the complicated mass now presenting itself to our astonished gaze is going to look like when completed, if ever, or what it is going to be. We fear the monster will not turn out to be a new and more trustworthy ship of state, or anything else beneficent, but that if it is not speedily disintegrated into the ill-assorted parts from which it is being assembled, it will prove to be a Frankenstein that will destroy our system of government.

Good government building, like good shipbuilding, is the result of years of experience. Certain basic principles must be adhered to in order to meet the demands of time and trial. Stress and strain, pressure and load, checks and balances, are all to be reckoned with in government as in shipbuilding.

A ship is dependent on its keel and hull for its stability. A government on its constitution, from which it derives its character and purpose. The success of either ship or government depends on the confidence it instills in the minds of those it serves, by reason of the soundness of its construction, the fitness of its machinery, and the efficiency with which it is operated. Does the new-deal ship measure up to these standards?

President Roosevelt said also in his "fireside chat":

"It is time to provide a smashing answer for those cynical men who say that a democracy cannot be honest and efficient."

To what does the President refer? To our established system of government or the new-deal system, which is manifestly a departure from it? Is democracy on trial or bureaucracy? These are questions in the minds of a rapidly growing number of the American people, who believe, in a broader sense, that the only test of democracy involved is whether it can survive the new-deal experiments.

Let me quote a paragraph from an article on Constitutional Government, written 15 years ago for the North American Review, by the late Dr. David Jayne Hill, historian and student of governments, which seems strikingly descriptive of the theory of the new-deal type of Government. Discussing the distinction between true and false democracy, Dr. Hill said:

"There is, as every student of political history knows, another quite different conception of government which delights to call itself democratic. . . . The fundamental fallacy of this type of democracy is the belief that the human will can change the



laws of human nature, that division can take the place of production, and that the forces which have produced our national prosperity will continue to operate when the incentives to enterprise and thrift that have produced it are withdrawn by public action."

The false type of democratic government the American people now have—the bureaucratic type—was created to take care of an emergency. It was created and has been expanded to its enormous size on the theory that our institutions, under the established American system of Government, could not cope with the emergency. In the opinion of many Americans it is indeed time—high time—that it should demonstrate its worth.

These citizens regard a bureaucratic system of government as essentially wasteful and inherently destructive. They are anxious to get rid of the bureaucracy we now have with the least possible delay, for they do not regard it even as a necessary evil in the absence of proof that its existence is justified by the results obtained.

The facts go to show they no longer are seriously questioned except by outstanding "new dealers"—certainly not by many outstanding Democrats—that the measures and means provided for relief and recovery are now in the hands and under the control of the most gigantic, most meddlesome, and most expensive aggregation of bureaucrats of all time.

President Cleveland once remarked, "A condition confronts us, not a theory." But everything is a little different under President Roosevelt's new deal. We are now confronted by both a condition and a theory. The condition is that this bureaucracy is here. The theory is that it is operating in the spirit of and in conformity with the accepted principles of the American system of government—that it is an adjunct and an aid to democracy and not a menace. But the condition and the theory do not conform. Democracy and bureaucracy have nothing in common. They are wholly incompatible and cannot operate in harmony together.

"American democracy", again quoting Dr. Hill, because he has so concisely and comprehensively stated the basic principles of our democracy, "rests upon three fundamental postulates which may be regarded as the standards of judgment by which the distinction between true and false democracy is to be determined—that all rightful governmental authority is derived from the people by definite delegation to certain specified officers of government; that government is rightly ordained and controlled by representatives of the whole people, and not by a particular group; and that the inherent rights and liberties of every citizen are under the guaranteed judicial protection of just and equal laws."

Can we measure the new deal by these standards? They were the generally accepted standards by which we measured our American democracy until 2 years ago. Does the fiat of a bureau chief, taking the place of law, conform to the rule "that all rightful governmental authority is derived from the people by definite delegation to certain specified officers of the Government?"

It has been estimated that between 3,000 and 4,000 separate orders, each carrying the effect of law, have been issued by the new-deal alphabetical agencies, and that some 60 different administrative tribunals are making decisions affecting private rights. Is it true that under this system "the inherent rights and liberties of every citizen have been guaranteed judicial protection of just and equal laws?"

What of the new-deal bureaucracy, which, like a giant octopus, reaches in all directions and enters into the life and activity of every town and hamlet in the country, meddling with the private affairs of citizens? Does it conform to the standards of American democracy? At Gettysburg, in 1863, Abraham Lincoln defined our democracy to be, "Government of the people, by the people, for the people." Bureaucracy, on the other hand, is defined by the dictionary as a government of bureaus.

Does the farmer who has seen his wheat and cotton plowed under, his young pigs slaughtered, believe these things were done in the spirit of democracy or under the arbitrary rule of bureaucracy? There was the case of the small manufacturer in Pennsylvania who was fined and imprisoned for not paying higher wages to satisfied employees; the case of the woman in Brooklyn who was denied permission by the N. R. A. to make artificial flowers in her home to support herself and her children; of the jeweler in Utica, N. Y., who was indicted for an alleged violation of the gold-hoarding act because he displayed a few gold pieces in his window; the little tailor in New Jersey who was thrown into jail for charging 5 cents under the code price for pressing a pair of pants. Do these cases tend to justify the substitution of bureaucracy for democracy? They are only a few of the cases that may be cited to illustrate bureaucratic ruthlessness and tyranny. It may be urged that no ruthlessness and no tyranny were intended, but all history shows that bureaucracy is a blind monster that cannot be controlled.

Bureaucracy can also be absurd: There was, for instance, order 318, which appeared in the weekly organ of the N. R. A., the Blue Eagle. This order granted permission to a Minnesota firm to extend the lunch hour of one of its women employees one-half hour, until such time as physical disabilities complained of had been alleviated. This order, at least, was not ruthless but beneficent, although it is not made clear how long the employee suffered before relief could be obtained from the headquarters of bureaucracy.

How are we going to get rid of this monster, bureaucracy, which grows by what it feeds upon? The fable runs that the Arab's camel, having been allowed to thrust his head under the tent, kept encroaching until there was no room inside for the Arab.

That is the way bureaucracy works and always has worked. The "new dealers" tell us the huge bureaucratic machine they have created has been created only for the emergency. That it will be dismantled when the emergency is over. But will the bureaucrats want to dismantle the machine in which they have ridden to power when the emergency is over—assuming the country can stand the terrific strain of supporting it until that time—and will they be able to dismantle it if they should want to do so? It will be outside the range of all previous human experience if either of these things should come to pass. Democracy or bureaucracy—or worse, if anything could be worse than a bureaucratic form of government—this is the big, underlying issue now confronting the American people. They must choose, and choose speedily, or they will have no choice, which form of government they prefer.

The new deal substituted for accepted American principles the principle sought to be justified by the emergency that "the end justifies the means." We who dissent from this doctrine, holding it to be inherently vicious, whatever the intent, when our constitutional Government is the subject of the experiment and the rights and liberties of our citizens are involved, demand an orderly procedure if our form of government is to be changed and another form adopted, with other basic principles. Let it be done by the orderly procedure prescribed by the Constitution. Let it be done by direction, and not by tendency and indirection, and, above all, let us be sure we want it done. Let those of us who prefer our form of government reiterate it again and again. We are for a government of laws and not of men. That has been the accepted American principle. Let us have an end of government by experiment, government by trial and error, government by guess.

#### CRIME IN THE UNITED STATES

Mr. DUNN of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DUNN of Pennsylvania. Mr. Speaker, yesterday I heard over the radio that it cost the United States Government about \$16,000,000,000 because of the crime which was committed last year. It seems to me that if we want to reduce crime we should expend at least \$10,000,000,000 to wipe out the slum districts in our country. If we would do this, we would not have to spend such a tremendous sum of money on account of crime. I believe that a great deal of crime is bred in the slum districts. When men, women, and children are unable to obtain sufficient food and proper shelter, naturally they cannot be mentally and physically fit to be law-abiding citizens. Therefore I maintain the United States Government is responsible for much of the crime being committed today, because of its failure to eradicate the slum districts. [Applause.]

#### ADDITIONAL HOME MORTGAGE RELIEF

Mr. STEAGALL. Mr. Speaker, I call up the conference report upon the bill (H. R. 6021) to provide additional home-mortgage relief, to amend the Federal Home Loan Bank Act, the Home Owners' Loan Act of 1933, and the National Housing Act, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Alabama calls up a conference report upon the bill (H. R. 6021), and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. TABER. Mr. Speaker, I reserve the right to object. If a point of order is to be made to the conference report, should it be made now before the statement is read, or, would the reading of the statement waive the point of order?

The SPEAKER. If consent is granted for the reading of the statement, it waives the point of order.

Mr. TABER. Then, Mr. Speaker, I reserve the right to object. In section 9 of the proposed bill, which is in the conference report, there is a permanent appropriation to defray the expenses of the Board. It does not seem to me that that ought to be done in that way. I do not like to make the point of order because of the importance of the bill.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. BLANTON. This home owners' loan bill means the saving of thousands of homes in every section of the United States now being foreclosed. We have been waiting for the Senate to pass this important bill for a long time.



There are some things in the conference report that I do not like, but it is highly important that this bill should become law without further delay.

I know the item referred to by the gentleman from New York is subject to the point of order, but if the gentleman insists upon his point of order, it will knock out the entire conference report and send the bill back to conference, for another interminable delay, and God only knows when it will come out again.

In view of the fact that so many people now have their homes in jeopardy, with foreclosures advertised, and that this bill is the only chance we have to stop those sheriffs' sales and save these homes, will not the gentleman from New York waive this infinitesimal matter, because we can control it in the Committee on Appropriations, of which he is a member.

It is such a small item compared with the good that will come to the people of the United States through the adoption of this conference report in not having their homes sacrificed, that I hope he will not press his point of order.

Mr. STEAGALL. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. STEAGALL. This appropriation was included to effectuate an agreement entered into by the officials of the Corporation and the Treasury Department and the Budget Bureau. My information is that it is the best practical arrangement that could be made to meet the differing views on this point.

Mr. TABER. Mr. Speaker, the trouble is that it can never be corrected except by another permanent appropriation bill, which would wipe out that sort of thing. It will place this Board entirely out of the control of Congress. There is no check-up on it. I am not going to insist on the point of order at this time, although I frankly believe this part of the conference report is a bad piece of legislation. I withdraw my reservation of objection.

The SPEAKER. Without objection, the Clerk will read the statement.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6021) to provide additional home-mortgage relief, to amend the Federal Home Loan Bank Act, the Home Owners' Loan Act of 1933, and the National Housing Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

"That subdivision (6) of section 2 of the Federal Home Loan Bank Act, as amended, is amended by striking out the word 'three' and inserting in lieu thereof the word 'four'."

"Sec. 2. Subsection (k) of section 6 of the Federal Home Loan Bank Act, as amended, is amended to read as follows:

"(k) All stock of any Federal Home Loan bank shall share in dividend distributions without preference."

"Sec. 3. (a) Subsections (a), (b), and (c) of section 7 of the Federal Home Loan Bank Act, as amended, are amended, effective January 1, 1936, to comprise four subsections to read as follows:

"(a) The management of each Federal Home Loan bank shall be vested in a board of twelve directors, all of whom shall be citizens of the United States and bona fide residents of the district in which such bank is located.

"(b) Four of such directors shall be appointed by the Board and shall hold office for terms of four years; except that the terms of office of the two such directors heretofore appointed shall expire at the end of the calendar years 1936 and 1937, respectively, and the terms of office of the first two such directors hereafter appointed shall expire at the end of the calendar years 1938 and 1939, respectively.

"(c) Six of such directors, two of whom shall be known as class A directors, two of whom shall be known as class B directors, and two of whom shall be known as class C directors, shall be elected as provided in subsection (e), and shall hold office for terms of two years; except that the terms of office of the directors heretofore elected or appointed shall expire at the end of the terms for which they were elected or appointed.

"(d) Two of such directors shall be elected by the members of the Federal Home Loan bank without regard to classes under rules and regulations to be prescribed by the Board, and shall hold office for terms of two years; except that the term of office

of one of the directors first elected under this subsection shall expire at the end of the calendar year 1936."

"(b) Section 7 of the Federal Home Loan Bank Act, as amended, is further amended, effective January 1, 1936, by relettering subsections (d), (e), (f), (g), (h), and (i) as (e), (f), (g), (h), (i), and (j), respectively.

"Sec. 4. The Federal Home Loan Bank Act, as amended, is amended by adding after section 8 a new section to read as follows:

#### "FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

"Sec. 8a. There is hereby created a Federal Savings and Loan Advisory Council, which shall consist of one member of each Federal Home Loan bank district to be elected annually by the board of directors of the Federal Home Loan bank in such district and six members to be appointed annually by the Board. Each such elected member shall be a resident of the district for which he is elected. All members of the Council shall serve without compensation, but shall be entitled to reimbursement from the board for traveling expenses incurred in attendance at meetings of such Council. The Council shall meet at Washington, District of Columbia, at least twice a year and oftener if requested by the board. The Council may select its chairman, vice chairman, and secretary, and adopt methods of procedure, and shall have power—

"(1) To confer with the Board and board of trustees of the Federal Savings and Loan Insurance Corporation on general business conditions, and on special conditions affecting the Federal Home Loan Banks and their members and such Corporation.

"(2) To request information, and to make recommendations, with respect to matters within the jurisdiction of the Board and the board of trustees of such Corporation."

"Sec. 5. Subsection (a) of section 10 of the Federal Home Loan Bank Act, as amended, is amended to read as follows:

"(a) Each Federal Home Loan bank is authorized to make advances to its members upon the security of home mortgages, or obligations of the United States, or obligations fully guaranteed by the United States, subject to such regulations, restrictions, and limitations as the Board may prescribe. Any such advance shall be subject to the following limitations as to amount:

"(1) If secured by a mortgage insured under the provisions of title II of the National Housing Act, the advance may be for an amount not in excess of 90 per centum of the unpaid principal of the mortgage loan.

"(2) If secured by a home mortgage given in respect of an amortized home mortgage loan which was for an original term of six years or more, or in cases where shares of stock, which are pledged as security for such loan, mature in a period of six years or more, the advance may be for an amount not in excess of 65 per centum of the unpaid principal of the home mortgage loan; but in no case shall the amount of the advance exceed 60 per centum of the value of the real estate securing the home mortgage loan.

"(3) If secured by a home mortgage given in respect of any other home mortgage loan, the advance shall not be for an amount in excess of 50 per centum of the unpaid principal of the home mortgage loan; but in no case shall the amount of such advance exceed 40 per centum of the value of the real estate securing the home mortgage loan.

"(4) If secured by obligations of the United States, or obligations fully guaranteed by the United States, the advance shall not be for an amount in excess of the face value of such obligations."

"Sec. 6. Clauses numbered (1) and (2) of subsection (b) of section 10 of the Federal Home Loan Bank Act, as amended, are amended to read as follows: '(1) the home mortgage loan secured by it has more than twenty years to run to maturity, or (2) the home mortgage exceeds \$20,000, or'."

"Sec. 7. The Federal Home Loan Bank Act, as amended, is amended by adding, after section 10a, the following new section:

"Sec. 10b. Each Federal Home Loan bank is authorized to make advances to nonmember mortgagees approved under title II of the National Housing Act. Such mortgagees must be chartered institutions having succession and subject to the inspection and supervision of some governmental agency, and whose principal activity in the mortgage field must consist of lending their own funds. Such advances shall not be subject to the other provisions and restrictions of this act, but shall be made upon the security of insured mortgages, insured under title II of the National Housing Act. Advances made under the terms of this section shall be at such rates of interest and upon such terms and conditions as shall be determined by the Federal Home Loan Bank Board, but no advance may be for an amount in excess of 90 per centum of the unpaid principal of the mortgage loan given as security."

"Sec. 8. The first sentence of section 13 of the Federal Home Loan Bank Act, as amended, is amended to read as follows: 'Any and all notes, debentures, bonds, and other such obligations issued by any bank, and consolidated Federal Home Loan Bank bonds and debentures, shall be exempt both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.'

"Sec. 9. Section 19 of the Federal Home Loan Bank Act, as amended, is amended by adding at the end thereof the following new sentence: 'The receipts of the Board derived from assessments upon the Federal Home Loan Banks and from other sources (except receipts from the sale of consolidated Federal Home Loan bank bonds and debentures issued under section 11) shall be de-



posited in the Treasury of the United States, and may be from time to time withdrawn therefrom to defray the expenses of the Board, and the salaries of its members and employees, whose employment, compensation, leave, and expenses shall be governed solely by the provisions of this act, specific amendments thereof, and rules and regulations of the Board not inconsistent therewith.

"SEC. 10. Sections 2 (a) and 4 (d) of the Home Owners' Loan Act of 1933, as amended, are amended by striking out 'upon which there is located a dwelling for not more than four families, used by the owner as a home or held by him as his homestead, and having a value not exceeding \$20,000' and inserting in lieu thereof 'upon which there is located a dwelling or dwellings for not more than four families, which is used in whole or in part by the owner as a home or held by him as his homestead, and which has a value of not to exceed \$20,000.'

"SEC. 11. The first sentence of subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended to read as follows:

"(c) In order to provide for applications heretofore filed, for applications filed within thirty days after this amendment takes effect, and for carrying out the other purposes of this section, the Corporation is authorized to issue bonds in an aggregate amount not to exceed \$4,750,000,000, which may be exchanged as herein-after provided, or which may be sold by the Corporation to obtain funds for carrying out the purposes of this section or for the redemption of any of its outstanding bonds; and the Corporation is further authorized to increase its total bond issue for the purpose of retiring its outstanding bonds by an amount equal to the amount of the bonds to be so retired (except bonds retired from payments of principal on loans), such retirement to be at maturity or by call or purchase or exchange or any method prescribed by the Board with the approval of the Secretary of the Treasury: *Provided*, That no bonds issued under this subsection, as amended, shall have a maturity date later than 1952.'

"SEC. 12. Subsection (d) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended by adding at the end thereof the following new paragraph:

"For the purpose of this act, levies of assessments upon real property, made by any special district organized in any State for public improvements, shall be treated as general-tax levies are treated. The Board shall determine the reasonableness of the total annual burden of taxes and assessments of all kinds upon any property offered as security for the payment of a loan made by the Corporation and the effect of the total levies upon the loanable value of such property, but no deduction shall be made from the loanable value of any property for levies not due at the time of making such loan in any instance where the total annual taxes and assessments borne by the said property for all purposes does not exceed a sum which, in the discretion of the Board, is a reasonable annual tax burden for such property.'

"SEC. 13. Subsection (j) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended, effective 90 days after the date of enactment of this Act, by adding at the end thereof the following new sentence: 'No person shall be appointed or retained as an officer, employee, agent, or attorney, at a fixed salary, in any regional or State office of the Corporation who is an officer or director of any firm, corporation, or association engaged in lending money on real estate; nor shall any person be appointed or retained as an officer, employee, agent, or attorney in any State or district office of the Corporation, who has not been a bona fide resident of the State served by such office for a period of at least one year immediately preceding the date of his appointment.'

"SEC. 14. Subsection (l) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended by striking out the last comma therein and the following: 'or in any case in which the home mortgage or other obligation or lien is held by an institution which is in liquidation'.

"SEC. 15. Subsection (h) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: 'Provided, That no person shall be allowed to act as appraiser if he is in the employ of any company holding a loan on the property, or if he is interested in the subject matter of the loan.'

"SEC. 16. Subsection (m) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended by striking out '\$300,000,000' and inserting in lieu thereof '\$400,000,000'.

"SEC. 17. (a) Section 4 of the Home Owners' Loan Act of 1933, as amended, is amended by adding at the end thereof a new subsection to read as follows:

"(n) The corporation is authorized to purchase Federal Home Loan bank bonds, debentures, or notes, or consolidated Federal Home Loan bank bonds or debentures. The Corporation is also authorized to purchase full-paid-income shares of Federal savings and loan associations after the funds made available to the Secretary of the Treasury for the purchase of such shares have been exhausted. Such purchases of shares shall be on the same terms and conditions as have been heretofore authorized by law for the purchase of such shares by the Secretary of the Treasury: *Provided*, That the total amount of such shares in any one association held by the Secretary of the Treasury and the Corporation shall not exceed the total amount of such shares heretofore authorized to be held by the Secretary of the Treasury in any one association. The Corporation is also authorized to purchase shares in any institution which is (1) a member of a Federal Home Loan bank, or (2) whose accounts are insured under title IV of the National Housing Act, if the institution is eligible for insurance under such title; and to make deposits and purchase certificates

of deposit and investment certificates in any such institution. Of the total authorized bond issue of the Corporation \$300,000,000 shall be available for the purposes of this subsection, without discrimination in favor of Federally chartered associations, and bonds of the Corporation not exceeding such amount may be sold for the purposes of this subsection.'

"(b) Section 9 of the act entitled 'An act to guarantee the bonds of the Home Owners' Loan Corporation, to amend the Home Owners' Loan Act of 1933, and for other purposes', approved April 27, 1934, is hereby repealed.

"SEC. 18. Subsection (c) of section 5 of the Home Owners' Loan Act of 1933, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: 'And provided further, That any such association which is converted from a State-chartered institution may continue to make loans in the territory in which it made loans while operating under State charter.'

"SEC. 19. Section 6 of the Home Owners' Loan Act of 1933, as amended, is amended (1) by striking out '\$500,000' and inserting in lieu thereof '\$700,000', and (2) by adding at the end of the section the following new sentence: 'The sums appropriated and made available pursuant to this section shall be used impartially in the promotion and development of local thrift and home-financing institutions, whether State or Federally chartered.'

"SEC. 20. Subsection (d) of section 8 of the Home Owners' Loan Act of 1933, as amended, is amended to read as follows:

"(d) The provisions of sections 29, 30, 32, 35, 37, 39, 112, 113, and 117 of the Criminal Code of the United States (U. S. C., title 18, secs. 73, 74, 76, 82, 83, 88, 91, 202, 203, and 207), insofar as applicable, are extended to apply to the Home Owners' Loan Corporation, its contracts or agreements, and an association under this act which, for the purposes herein shall be held to include advances, loans, discounts, and purchase or repurchase agreements; extensions and renewals thereof; and acceptances, releases, and substitutions of security thereof.'

"SEC. 21. Subsection (e) of section 8 of the Home Owners' Loan Act of 1933, as amended, is amended to read as follows:

"(e) No person, partnership, association, or corporation shall, directly or indirectly, solicit, contract for, charge, or receive, or attempt to solicit, contract for, charge, or receive, from any person applying to the Corporation for a loan, (1) any fee, charge, or other consideration, whether bond or cash, except ordinary fees authorized and required by the Corporation for services actually rendered for examination and perfection of title, appraisal, and like necessary services, or (2) any moneys, check, note, or other form of obligation, representing payment of any difference which may exist between the market value and the par value of the bonds of the Home Owners' Loan Corporation. Any person, partnership, association, or corporation violating the provisions of this subsection shall, upon conviction thereof, be fined not more than \$5,000, or imprisoned not more than 2 years, or both.'

"SEC. 22. Paragraph (5) of subsection (c) of section 402 of the National Housing Act is amended by adding the following sentence at the end thereof: 'The Corporation shall be entitled to the free use of the United States mails for its official business in the same manner as the executive departments of the Government, and shall determine its necessary expenditures under this act and the manner in which the same shall be incurred, allowed, and paid, without regard to the provisions of any other law governing the expenditure of public funds.'

"SEC. 23. Subsection (b) of section 403 of the National Housing Act is amended (1) by striking out the words 'ten years' and inserting in lieu thereof the words 'twenty years', and (2) by striking out the period at the end of the subsection and inserting in lieu thereof a colon and the following: 'Provided, That for any year dividends may be declared and paid when losses are chargeable to such reserves if the declaration of such dividends in such case is approved by the Corporation.'

"SEC. 24. Subsection (d) of section 403 of the National Housing Act is amended to read as follows:

"(d) Any applicant which applies for insurance under this title after the first year of the operation of the Corporation shall pay an admission fee based upon the reserve fund of the Corporation, which, in the judgment of the Corporation, is an equitable contribution.'

"SEC. 25. (a) Subsections (a) and (b) of section 404 of the National Housing Act are amended by striking out 'one-fourth' and inserting in lieu thereof 'one-eighth'.

"(b) Section 404 of the National Housing Act is further amended by adding at the end thereof the following new subsection:

"(c) Each insured institution which has paid a premium charge in excess of one-eighth of 1 per centum of the total amount of the accounts of its insured members and its creditor obligations shall be credited on its future premiums with an amount equal to the total amount of such excess.'

"SEC. 26. The last sentence of section 406 (b) of the National Housing Act is amended to read as follows: 'The surrender and transfer to the Corporation of an insured account in any such association which is in default shall subrogate the Corporation with respect to such insured account, but shall not affect any right which the insured member may have in the uninsured portion of his account or any right which he may have to participate in the distribution of the net proceeds remaining from the disposition of the assets of such association.'

"SEC. 27. Section 406 of the National Housing Act is further amended by adding at the end thereof a new subsection to read as follows:

"(f) In order to prevent a default in an insured institution or in order to restore an insured institution in default to normal opera-



tion as an insured institution, the Corporation is authorized, in its discretion, to make loans to, purchase the assets of, or make a contribution to, an insured institution or an insured institution in default; but no contribution shall be made to any such institution in an amount in excess of that which the Corporation finds to be reasonably necessary to save the expense of liquidating such institution.

"SEC. 28. (a) The first sentence of section 2 of the National Housing Act is amended (1) by striking out 'January' and inserting in lieu thereof 'April', and (2) by inserting before the period at the end thereof a comma and the following: 'including the installation of equipment and machinery.'

"(b) The last sentence of section 2 of the National Housing Act is amended to read as follows: 'No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it (1) unless the obligation bears such interest, has such maturity, and contains such other terms, conditions, and restrictions, as the Administrator shall prescribe; and (2) unless the amount of such loan, advance of credit, or purchase is not in excess of \$2,000, except that in the case of any such loan, advance of credit, or purchase made for the purpose of such financing with respect to real property improved by or to be converted into apartment or multiple family houses, hotels, office, business or other commercial buildings, hospitals, orphanages, colleges, schools, or manufacturing or industrial plants, such insurance may be granted if the amount of the loan, advance of credit, or purchase is not in excess of \$50,000.'

"SEC. 29. (a) Subsection (c) of section 203 of the National Housing Act is amended by adding at the end thereof the following new sentence: 'In the event that the principal obligation of any mortgage accepted for insurance under this section is paid in full prior to the maturity date specified in the mortgage, the Administrator is further authorized in his discretion to require the payment by the mortgagor of a premium charge in such amount as the Administrator determines to be equitable, but not in excess of the aggregate amount of the premium charges that the mortgagor would otherwise have been required to pay if the mortgage had continued to be insured under this section until such maturity date.'

"(b) The first sentence of subsection (f) of section 205 of the National Housing Act is amended by striking out the words 'premium charge' and inserting in lieu thereof the words 'annual premium charge'.

"(c) The last sentence of subsection (a) of section 204 of the National Housing Act is amended to read as follows: 'For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Administrator, by adding to the amount of the principal of the mortgage which is unpaid on the date of such delivery, (1) interest on such unpaid principal from the date foreclosure proceedings were instituted or the property was otherwise acquired as provided in this subsection to the date of such delivery at the rate provided for in the debentures issued to the mortgagee, less any amount received on account of interest accruing on such unpaid principal between such dates, and (2) the amount of all payments which have been made by the mortgagee for taxes and insurance on the property mortgaged.'

"SEC. 30. Subsection (d) of section 301 of the National Housing Act is amended to read as follows:

"(d) No association shall transact any business except such as is incidental to its organization until it has been authorized to do so by the Administrator. Each such association shall have a capital stock of a par value of not less than \$2,000,000, and no authorization to commence business shall be granted by the Administrator to any such association until he is satisfied that such capital stock has been subscribed for at not less than par and paid in full in cash or Government securities at their par value.'

"SEC. 31. Section 302 of the National Housing Act is amended to read as follows:

"SEC. 302. Each national mortgage association is authorized to issue and have outstanding at any time notes, bonds, debentures, or other such obligations in an aggregate amount not to exceed (1) twelve times the aggregate par value of its outstanding capital stock, and in no event to exceed (2) the current face value of mortgages held by it and insured under the provisions of title II of this act, plus the amount of its cash on hand and on deposit and the amount of its investments in bonds or obligations of, or guaranteed as to principal and interest by, the United States. No national mortgage association shall borrow money except through the issuance of such notes, bonds, debentures, or other obligations, except with the approval of the Administrator and under such rules and regulations as he shall prescribe.'

"SEC. 32. Section 32 of the Emergency Farm Mortgage Act of 1933, as amended (U. S. C., title 12, sec. 1016), is further amended by inserting after the second sentence thereof the following new sentence: 'For the purposes of this section, farm property may be valued at an amount representing a prudent investment, consistent with community standards and rentals, if (1) the person occupying the property is not entirely dependent upon farm income for his livelihood but receives a part of his income from other dependable sources, and (2) the farm income from the property, together with earnings from other dependable sources ordinarily available in the community to a person operating such property, would be sufficient to support his family, to pay operat-

ing expenses and fixed charges, and to discharge the interest and amortization payments on the loan.'

And the Senate agree to the same.

HENRY B. STEAGALL,  
ALAN T. GOLDSBOROUGH,  
M. K. REILLY,  
JOHN B. HOLLISTER,  
JESSE P. WOLCOTT,

*Managers on the part of the House.*

ROBERT J. BULKLEY,  
ROBERT F. WAGNER,  
ALBEN W. BARKLEY,  
W. G. MCADOO,  
JOHN G. TOWNSEND, JR.,  
FREDERICK STEIWER,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6021) to provide additional home-mortgage relief, to amend the Federal Home Loan Bank Act, the Home Owners' Loan Act of 1933, and the National Housing Act, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

Sections 1, 2, 4, 6, 7, 12, 13, 15, 18, 22, 23, 24, and 27 of the House bill are the same in substance as sections 1, 2, 5, 7, 8, 14, 15, 16, 20, 24, 25, 26, and 30, respectively, of the Senate amendment. Certain clarifying changes were made in some of these sections in the Senate amendment and the conference agreement retains these sections as clarified.

Section 3 of the Senate amendment provided for reducing from 11 to 9 the number of directors of each Federal Home Loan bank, effective January 1, 1936. After that date, there would be 3 directors appointed by the Federal Home Loan Bank Board, instead of 2 as at present, and there would be 6 directors elected by the institutions which are members of the bank, instead of 9 as at present. There was no corresponding provision in the House bill. The conference agreement provides for increasing the membership of the board of directors of each Federal Home Loan bank to 12 members, of whom 4 are to be appointed for 4-year terms by the Federal Home Loan Bank Board, and 8 are to be elected for 2-year terms (2 of them as directors at large) by the institutions which are members of the bank.

Section 3 of the House bill provided for creating a Federal savings and loan advisory council of 12 members to be elected annually by boards of directors of the Federal Home Loan banks. The council was authorized to confer with the Board and the trustees of the Federal Savings and Loan Insurance Corporation and to make recommendations with respect to matters within their respective jurisdictions. Section 4 of the Senate amendment provided for a council with similar functions but composed of 12 members elected annually by the banks and 12 members appointed annually by the Federal Home Loan Bank Board. The conference agreement provides for a council of 18 members, of whom 12 are to be elected annually by the banks and 6 are to be appointed annually by the Board.

Section 5 of the House bill extended the limitation of existing law with respect to the maturity of mortgages which may be accepted as collateral for advances by Federal home-loan banks from 15 to 20 years, and made all home mortgages up to \$20,000 in amount—instead of those on properties valued up to \$20,000—eligible as such collateral. Section 6 of the Senate amendment removed, with respect to mortgages insured under title II of the National Housing Act, the limitations of existing law that prevent mortgages having maturities in excess of 15 years, and those on properties valued at more than \$20,000, being eligible as collateral for Federal Home Loan bank loans. The conference agreement retains the provisions of the House bill.

Section 8 of the House bill required all receipts of the Federal Home Loan Bank Board to be deposited in the Treasury subject to an annual appropriation after July 1, 1935. Section 9 of the Senate amendment provided that the receipts of the Federal Home Loan Bank Board derived from assessments on the banks and from other sources (except receipts from the sale of consolidated bonds and debentures) should be deposited in the Treasury subject to withdrawal by the Board for administrative expenses, and that such receipts should not be construed to be Government funds or appropriated moneys. The conference agreement retains the provisions of section 9 of the Senate amendment with the exception of the last clause which stated that the receipts of the Board should not be construed to be Government funds or appropriated moneys.

Section 10 of the Senate amendment liberalized the provisions of the Home Owners' Loan Act of 1933 so that home mortgages on real property upon which there is located a dwelling or dwellings for not more than four families and which is used in whole or in part by the owner as a home or held by him as a homestead may be eligible as collateral. Under existing law there was some question as to whether mortgages on property improved by not to exceed four small dwellings (the so-called "bungalow courts") instead of by a single dwelling for not more than four families would be eligible, and there was also some doubt as to the status of mortgages on property used in part for business purposes. Section 9 of the House bill covered only the latter aspect of the prob-



lem. The conference agreement retains the provisions of section 10 of the Senate amendment.

Section 10 of the House bill provided for increasing the borrowing power of the Home Owners' Loan Corporation from \$3,000,000,000 to \$4,750,000,000 to provide for applications heretofore filed, and for applicants who in good faith sought relief prior to the date the bill becomes law and who file their applications within 60 days thereafter. Section 11 of the Senate amendment made certain clarifying changes and provided that the additional funds might be used to provide for applications heretofore filed and for those filed within 60 days after the amendment takes effect, thus removing the limitation of the House provision that the applicants must have sought relief prior to the time the bill becomes law. The conference agreement retains the provisions of the Senate amendment with one exception, namely, that new applications must be filed within 30 days after the amendment takes effect instead of within 60 days.

Section 12 of the Senate amendment provided that for the purposes of the Home Owners' Loan Act of 1933 assessments levied upon real property by special districts organized in any State for public improvements should be treated as general tax levies; and that liens created by such improvement districts on real property to secure the payment of such levies should be considered as attaching at the time fixed for payment of the levies and not before. It was further provided that the reasonableness of the total annual burden of taxes and assessments of all kinds upon property offered as security for a loan by the Home Owners' Loan Corporation and their effect upon the loanable value of the property are matters for the Home Owners' Loan Corporation Board to determine; that no deduction should be made from the loanable value of any property for improvement-district assessments or levies not due at the time of making the loan where the total annual taxes and assessments on the property did not exceed a sum which, in the discretion of the Board, is a reasonable annual tax burden for the property; and that in arriving at the loanable value of the property no deductions should be made on account of such improvement-district liens, taxes, and/or assessments not due at the time of making the loan where the aggregate amount of annual taxes, levies and assessments of all kinds did not exceed 5 percent of the value of the property fixed by the Corporation's appraisement. There was no corresponding provision in the House bill. The conference agreement clarifies the language of the Senate amendment, leaves it to the Board to determine the reasonableness of the annual tax burden on property securing loans by the Corporation, and removes the prohibition against making a deduction from the loanable value of the property where the aggregate amount of annual taxes, levies, and assessments does not exceed 5 percent of the value of the property as determined by the appraisal.

Section 11 of the House bill prohibited the Corporation from appointing, or retaining for more than 90 days, any officer, employee, attorney, or agent "in any regional or State office or congressional district of the Corporation who was, at the date of the establishment of such office, not a resident of the region or State or congressional district, respectively, served by such office, or who is an officer or director of any firm, corporation, or association engaged in lending money on real estate." Section 13 of the Senate amendment provided that no person should be appointed or retained as an officer, employee, agent, or attorney, at a fixed salary, in any regional or State office of the Corporation who is an officer or director of any firm, corporation, or association engaged in lending money on real estate. The conference agreement retains the provisions of section 13 of the Senate amendment and adds a provision that no person shall be appointed or retained as an officer, employee, agent, or attorney in any State or district office of the Corporation who has not been a bona fide resident of the State served by such office for a period of at least 1 year immediately preceding the date of his appointment.

Section 14 of the House bill authorized the payment of obligations due the Home Owners' Loan Corporation to be made at any branch agency of the Corporation or at any post office or substation. This provision was eliminated by the Senate amendment. The conference agreement also eliminates this provision of the House bill.

Section 17 (a) of the Senate amendment authorized the Home Owners' Loan Corporation to purchase (1) Federal home-loan bank bonds, debentures, or notes (including consolidated bonds or debentures), (2) full-paid income shares of Federal savings and loan associations on the same terms and conditions and within the same limitations as in the case of purchases of such shares by the Secretary of the Treasury after the funds made available to the Secretary have been exhausted, and (3) shares in any institution which is a member of a Federal home-loan bank and whose accounts are insured under title IV of the National Housing Act, if the institution is eligible for such insurance. The Corporation was also authorized to make deposits and purchase certificates of deposit and investment certificates in institutions of the latter class. The total amount to be available to the Corporation under this section was fixed at \$300,000,000, to be used without discrimination in favor of federally chartered associations. Section 17 (b) of the Senate amendment repealed a section of the act of April 27, 1934, which was inconsistent with the foregoing provisions as to the total amount to be made available to the Corporation. Section 16 of the House bill contained a provision similar to section 17 (a) of the Senate amendment with a maximum limit of \$250,000,000 upon the amount available for such purposes to the Corporation, but it did not require the building and loan associations, and others whose

shares might be purchased by the Corporation, to be members of a Federal home-loan bank and to have their accounts insured under title IV of the National Housing Act. There was no provision in the House bill corresponding to section 17 (b) of the Senate amendment. The conference agreement retains the provisions of the Senate amendment with one exception, namely, that institutions whose shares may be purchased by the Corporation must be either members of a Federal Home Loan bank or have their accounts insured under title IV of the National Housing Act if the institutions are eligible for such insurance.

Section 18 of the Senate amendment added a new provision not contained in the House bill which would permit State-chartered institutions which are converted into Federal savings and loan associations to continue to make loans in the territory in which they made loans while operating under a State charter. The conference agreement retains this provision.

Section 19 of the Senate amendment, like section 17 of the House bill, increased by \$200,000 the amounts made available to the Federal Home Loan Bank Board for the purpose of encouraging the promotion, organization, and development of Federal savings and loan associations, but the provision of section 17 of the House bill that such funds should be used impartially in the promotion and development of local thrift and home-financing institutions, whether State-chartered or Federal, was omitted. The conference agreement retains the provision of the House bill which was omitted by the Senate amendment.

Section 21 of the Senate amendment extended the penalties of section 8 (e) of the Home Owners' Loan Act of 1933 to cases where a charge is made against persons applying to the Corporation for a loan for the difference between the par value and the market value of the bonds issued by the Corporation. A similar provision with a smaller penalty was contained in section 19 of the House bill. The conference agreement retains the provision of the Senate amendment with the smaller penalty contained in section 19 of the House bill.

Section 22 of the Senate amendment authorized the Federal Savings and Loan Insurance Corporation to use the franking privilege for its official business and provided that the Corporation should determine its necessary expenditures and the manner in which they should be incurred, allowed, and paid, without regard to the provisions of any other law governing the expenditure of public funds. The provision with respect to free use of the mails was contained in section 20 of the House bill. The conference agreement retains the provisions of the Senate amendment.

Section 23 of the Senate amendment liberalized the reserve provisions applicable to associations whose accounts are insured by the Federal Savings and Loan Insurance Corporation by extending the period within which the 5-percent reserve must be built up from 10 years to 20 years. A similar provision was contained in section 21 of the House bill. There was also a provision in section 23 of the Senate amendment allowing such associations to declare dividends for any year when losses are chargeable to such reserves if such declaration of dividends is approved by the Corporation. The House bill removed the restriction prohibiting the payment of any dividends if any losses were chargeable to such reserves. The conference agreement retains the provisions of the Senate amendment with a clarifying change.

Section 27 of the Senate amendment authorized the Corporation in its discretion to make loans to, purchase the assets of, or make a contribution to, an insured institution in order to prevent a default or in order to restore an insured institution to normal operation, but the amount of any such contribution was not to exceed that which the Corporation finds to be reasonably necessary to save the expense of liquidating the institution. Section 25 of the House bill contained a similar provision except that the Corporation was authorized to make advances to any such institution instead of a contribution, and there was no limitation expressed as to amount. The conference agreement retains the provisions of section 27 of the Senate amendment.

Section 28 of the Senate amendment extended the time from January 1, 1936, to April 1, 1936, within which loans must be made in order to be eligible for insurance under section 2 of the National Housing Act. This part of the section is the same in substance as section 29 of the House bill. The section also provided that loans up to \$50,000 would be eligible for such insurance if they are made for the purpose of financing alterations, repairs, and improvements with respect to real property "improved by or to be converted into apartment or multiple family houses, or improved by hotels, office, business, or other commercial buildings, hospitals, orphanages, colleges, schools, churches, or manufacturing, or industrial plants." A similar liberalization of existing law was contained in section 26 of the House bill. The existing law was also clarified by the Senate amendment by providing that the installation of new equipment and machinery might be considered to be "alterations, repairs, and improvements." The conference agreement retains the provisions of the Senate amendment with minor changes.

Section 29 of the Senate amendment authorized the Federal Housing Administrator in his discretion to require a mortgagor whose mortgage is insured under title II of the National Housing Act to pay a premium charge in such amount as the Administrator determines to be equitable in the event that the principal obligation of the mortgage is paid in full prior to maturity, but the amount of such charge is not to exceed the aggregate amount of the premium charges that the mortgagee would otherwise have been required to pay if the mortgage had continued to be insured until the maturity date. The section also contained an amendment clarifying existing law. There was no provision in the



House bill relating to such payment of a premium charge by a mortgagor. The conference agreement retains the provisions of the Senate amendment and also amends the National Housing Act so as to provide that interest on the unpaid principal of an insured mortgage may be included in determining the amount of debentures to be issued to a mortgagee who has delivered the property to the Administrator, but such interest is to cover only the period from the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee with the consent of the Administrator to the date of such delivery, less any amount received on account of interest accruing between such dates. The rate of interest in any such case is to be the same as that provided for in the debentures.

Section 28 of the House bill authorizing a national mortgage association to issue notes, bonds, debentures, or other such obligations in an aggregate amount not to exceed 15 times the aggregate par value of its outstanding capital stock, instead of 10 times such aggregate par value under existing law, was eliminated by the Senate amendment. The conference agreement authorizes the issue of notes, bonds, debentures, and other such obligations by a national mortgage association up to 12 times the aggregate par value of its outstanding stock.

Section 31 of the Senate amendment provided that in case of loans by the Land Bank Commissioner under section 32 of the Emergency Farm Mortgage Act of 1933 farm property may be valued at an amount representing a prudent investment consistent with community standards and rentals, if the person occupying the property is not entirely dependent upon farm income for his livelihood and if the farm income from the property, together with earnings from other dependable sources ordinarily available in the community to a person operating the property, would be sufficient to support his family, to pay operating expenses and fixed charges, and to discharge the interest and amortization payments on the loan. There was no corresponding provision in the House bill. The conference agreement retains the provisions of the Senate amendment.

HENRY B. STEAGALL,  
ALAN T. GOLDSBOROUGH,  
M. K. REILLY,  
JOHN B. HOLLISTER,  
JESSE P. WOLCOTT,

*Managers on the part of the House.*

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider the vote by which the conference report was agreed to was laid on the table.

#### POWER OF FEDERAL COURTS

Mr. KNUTE HILL. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection?

Mr. JENKINS of Ohio. Mr. Speaker, I reserve the right to object. The Consent Calendar is in order today. It is a very important calendar. I shall not object to the 5 minutes asked by the gentleman from Washington, but I shall to any other request. It is not right to compel all these people who are here expecting their bills to be called up to wait on somebody making a speech.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. KNUTE HILL. Mr. Speaker, during the last three sessions I have heard a great deal of complaint about our delegating authority to the Executive. The complaint has usually been made by a rather conservative group. For decades, we have delegated our express constitutional authority to coin money and regulate the value thereof to a small group of bankers, and yet this conservative group to which I refer has not complained of that.

For over a hundred years the Federal courts of this country have usurped the legislative power of the Congress and no complaint has come from anyone. By these decisions labor legislation has been hampered and often prevented. By the decision with reference to the income tax we find that the burden of taxation was placed for years upon those least able to bear it.

Now, Mr. Speaker, we have a decision in the railroad case which jeopardizes absolutely all of our social legislation.

I am introducing today a constitutional amendment to take this power away from the Federal courts. A few days ago the gentleman from Texas called this communistic. Communistic? Listen, you Democrats, to your patron saint, Thomas Jefferson:

It has long been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our Federal Government is the judiciary, an irresponsible body working like gravity, by day and night, gaining a little today and gaining a little tomorrow, and advancing its noiseless step like a thief over the field of jurisprudence, until all shall be usurped.

Prophetic words!

Listen, you Republicans, to your patron saint, Abraham Lincoln:

The candid must confess that if the policy of the Government, upon vital questions affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that tribunal.

Listen, all of you who will agree with me that we honor and love the greatest jurist of all times, Justice Oliver Wendell Holmes. I quote from him:

I do not think the United States would come to an end if we (the Supreme Court) lost our power to declare an act of Congress void.

Now, I have too high a regard for my position and for our Government to suggest anything subversive. Some people will call names, but calling names gets us nowhere. Let us leave that to the past masters in that art, the Hugh Johnsons, the Huey Longs, and the Percy Gassaways. [Laughter.]

I want to respectfully submit seven questions to the opponents of this amendment:

First. Is it not a fact that at four distinct times the constitutional convention definitely refused this power to the judiciary?

Second. Is not our Federal Government one of express powers and where in the Constitution is such power given the courts?

Third. Is there any other important democratic government in the world which permits such power to its courts?

Fourth. In a democracy should the power of legislation repose in the direct representatives of the people, responsible to them at stated intervals, or should it be lodged in a small group of appointed men responsible to no one and holding office for life?

Fifth. Is it possible that all knowledge of the Constitution reposes in the members of the bench and none in the lawyers of the legislative halls?

Sixth. In a divided decision (and most of the important ones are such) which of the two groups is infallible?

Seventh. When Justice Shiras, in the income-tax decision, changed his mind within the month, at which time was he infallible? And when Justice Sutherland differs with Senator Sutherland on railroad pensions, when is he infallible?

Some people and some newspapers, no doubt, have a great deal of contempt for Congress. I suggest that Congress take back unto itself this function of legislating, independent of both the Executive and the judiciary, and we will not only regain our own self-respect, but we will also have the respect of the people throughout the country and restore confidence in representative Government. [Applause.]

The SPEAKER. The time of the gentleman from Washington [Mr. KNUTE HILL] has expired.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent to speak for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### NUISANCE TAXES

Mr. TRUAX. Mr. Speaker, I want to call attention to the anniversary of a great American institution. I refer to the fifty-second anniversary of the coming of the greatest show on earth, Ringling Bros. and Barnum & Bailey show, that is now in this city. [Applause and laughter.]

I want you to know that this organization paid last year \$500,000 to the United States Government in amusement taxes. This \$500,000 did not come from the circus but it came from the nickels and dimes of the kiddies who saved those nickels and dimes throughout the entire year to go to this greatest of American amusement institutions. I say,



that this tax is vicious and iniquitous and ought to be repealed. All amusement taxes ought to be repealed. I have introduced a bill for that purpose.

Mr. Speaker, I ask unanimous consent to extend my remarks and to insert a copy of my bill therein. I hope that this Congress will take recognition of this intolerable situation, not only with regard to circuses but with motion-picture theaters, where the dimes and nickels of the kiddies are collected to go to the United States Government. We should repeal every amusement tax and replace it with a tax on wealth and swollen incomes. [Applause.]

You may ask what is my interest in the American circus. While serving as director of agriculture for the State of Ohio in 1923-29 one of my several jobs was to manage and direct the Ohio State fair. In addition to a splendid racing program daily, the grandstand exhibitions were featured by outstanding circus and vaudeville acts, not only because of the drawing power of such attractions but also because they were always clean, moral, and wholesome. One year the immortal John Philip Sousa and his band delighted Ohio State fair patrons with their programs. Another year witnessed the greatest and largest rodeo and stampee ever staged in the East. A little later the Hagenbeck-Wallace circus was the feature attraction at the grandstand. Through these associations, through experience and observation, I have come to regard these institutions as worthy of the support of all those interested.

And so, if you ask me again what is my interest, my reply will be none other than that mentioned and the desire to insure the perpetuity of an institution that for more than 50 years has visited annually the American people in all of its tinsel and bespangled glory; an institution that for more than 50 years has presented its annual wares to the amusement-loving public without ever requiring a censor of any of its acts or performances; an institution that might well be termed the tented city of not only amusement and entertainment but a tented city of wholesome knowledge and learning, representing and depicting as it does not only the most finished acts and specimens of the outdoor amusement world but likewise the animal exhibits of all countries gathered together and assembled here from the far-flung corners of the earth.

This allusion refers not alone to the great circus which I refer to today but to others who have survived and who still carry on despite the most costly and depressing panic in our country's history. Today there are only four large traveling railroad circuses. Many others travel by motor caravan. To all of them, of course, the Federal amusement tax is a nuisance to their patrons—the farmers, the workingmen, small business men—this tax is a heavy burden. So why not repeal this tax now? Surely the revenue that might be lost by such action would not bankrupt the Nation. It could easily be replaced by a proper tax on wealth and income. I direct the attention of every Member of the House of Representatives, every Member of the United States Senate, and the particular attention of the Ways and Means Committee to the bill which I am introducing today and which will effectively cure this evil.

A bill to preserve and encourage a declining national institution which is of great educational and recreational benefit to the people of the Nation, particularly farmers, wageworkers, and small producers, popularly known as the "circus"; to enable our people, particularly farmers, wageworkers, and small producers and their children to receive the benefits herein mentioned without being taxed by the Government; to accomplish this end by removing the tax on admissions thereto as provided by section 500 of the Revenue Act of 1926, as amended

Be it enacted, etc., That section 500 (b) of the Revenue Act of 1926, as amended, be, and is hereby, amended by striking out the period at the end thereof and substituting therefor a semicolon and adding the following: "or (3) any admissions to any performance of a traveling company exhibiting miscellaneous shows, performances, and entertainment consisting of menageries, acrobats, horsemen, etc., performing in 'rings' or 'sideshows'; in other words, that class of educational and recreational amusement known as the 'circus'."

The SPEAKER. The time of the gentleman from Ohio has expired.

Is there objection to the request of the gentleman from Ohio [Mr. TRUAX]?

There was no objection.

#### CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

#### REPATRIATING NATIVE-BORN WOMEN

The Clerk called the first bill on the Consent Calendar, H. R. 4354, to repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Reserving the right to object, and I shall object for this reason: This bill is not necessary. We have an abundance of statutory law controlling this situation at the present time.

I do not want to take much of the time of the House to go into this in detail. The departments of the Government are not in unison with reference to it. It has no recommendation from the State Department. The Labor Department is laying great stress on the fact that it is trying to compose a law that will coordinate the many immigration bills, and for that reason I object.

Mr. GEARHART. Mr. Speaker, will the gentleman withhold his objection that I may discuss the bill for a moment?

Mr. JENKINS of Ohio. Mr. Speaker, I withhold my objection to permit the gentleman to make an explanation.

Mr. GEARHART. Mr. Speaker, the purpose of this bill is to bring relief to American-born women who have lost their American citizenship through the operation of a legal technicality. It is not a bill which has for its purpose the giving of citizenship to any person who has not heretofore enjoyed American citizenship.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GEARHART. I yield.

Mr. BLANTON. Does the gentleman intend to offer his amendment to the bill?

Mr. GEARHART. I do.

Mr. Speaker, under the ancient law of nations when a woman marries an alien she loses her citizenship and becomes a citizen of the nation of which her husband is a citizen. Prior to 1922 all American women who married foreigners lost their citizenship; but in 1922, on September 22 of that year, Congress enacted a law to the effect that all women married after that date would be deemed to retain their American citizenship. Since that time there has been no objection whatsoever to the retention of citizenship by those women.

It is hoped to accomplish by the pending bill an extension of the same privilege to those American-born women who married foreigners prior to 1922, the same privilege which already has been accorded to those women who married foreigners after 1922.

There is a defect in the bill as it now stands and I have drawn a perfecting amendment which, I am informed, the committee is willing to accept; and at the proper time in the consideration of the bill I will offer the amendment.

Mr. JENKINS of Ohio. Mr. Speaker, under my reservation of objection, I wish to state that the gentleman's statement is correct in part only. The present law is entirely adequate to take care of women who lost their citizenship prior to the passage of the Cable Act in 1922; the law is amply sufficient to permit them becoming American citizens and there is absolutely no necessity for the proposed bill. It applies to a certain group only. For instance, it does not include every woman who lost her citizenship before 1922. I do not know whether the gentleman's amendment cures this defect or not. This is a very complicated piece of legislation. I feel that the office of the Secretary of State is not in favor of this bill as it now reads. As I say, I have not had time to pass upon the gentleman's amendment. I think it contains one good provision—the proposed bill applies only to women who have been back here 3 years. This amend-

ment applies to all women. Now, if we are going to clarify this situation why not clarify it entirely? why not do it in a way that it will do what is intended that it should do?

Is not the author of the bill willing to have it passed over without prejudice until I can study this amendment and confer with those who are interested in the subject? This is a complicated piece of legislation, and for a Member to rise on the floor and insert an amendment into a complicated piece of legislation is just like tinkering with a complicated piece of machinery.

Mr. Speaker, in order that we may have a chance to study the bill further and the effect of this amendment, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### CITIZENSHIP

The Clerk called the next bill, H. R. 3023, to provide for citizenship to persons born in the United States, who have not acquired any other nationality by personal affirmative act, but who have heretofore lost their United States citizenship through the naturalization of a parent under the laws of a foreign country, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. JENKINS of Ohio, Mr. McLEAN, and Mr. WOLCOTT objected.

#### PRELIMINARY EXAMINATION OF CERTAIN WESTERN RIVERS FOR FLOOD CONTROL

The Clerk called the next bill, H. R. 4077, authorizing a preliminary examination of the Nehalem, Miami, Kilchis, Wilson, Trask, and Tillamook Rivers, in Tillamook County, Oreg., with a view to the controlling of floods.

Mr. LESINSKI. Mr. Speaker, I object.

Mr. MOTT. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. LESINSKI. Mr. Speaker, I withhold my objection to permit the gentleman to make an explanation.

Mr. MOTT. Mr. Speaker, the gentleman from Ohio [Mr. TRUAX] on the last consent calendar day asked that these bills, providing for a preliminary examination with a view to flood control of certain rivers in western Oregon, be passed over without prejudice until he could have an opportunity to give them a little closer study. He has now given study to those bills and is not objecting to them today.

May I say now to the gentleman from Michigan [Mr. LESINSKI], who has been so kind as to withhold his objection, that these bills are the usual authorization bills, not for a flood-control survey at all but merely for a preliminary examination. Now, a preliminary examination is not the same thing as a survey. A preliminary examination merely authorizes the district engineer resident in the district where these streams are located to make a report to the Chief of Engineers at Washington and to forward to him the data that he has in regard to the flood situation on the streams in question. It costs no additional money to do this and many times it is not even necessary for the district engineer to do more than to compile the data which he already has in his office, because a part of the business of district engineers is to collect and to keep data in regard to flood conditions of all the streams in their districts.

This is a necessary authorization, without which no future legislation in regard to flood control can be considered, and it is one which does not cost the people anything at all. It will merely result in the submission of information which will officially show what can or what ought to be done in the future in the way of flood control on the streams named in the bills. As the gentleman knows, a part of the money in the public-works bill will be used for flood-control work upon such streams as P. W. A. may find to be in need of flood-control work.

Before the Public Works Administration takes any action whatever in regard to flood control on any stream, they request the Army Engineers for a report. The Army Engi-

neers are not authorized, under the law, to make such a report unless they have had authorization by Congress to make a preliminary examination. That is all these bills provide for. This does not cost the Government of the United States any additional money whatever, and cannot possibly do harm or injury to anyone.

Mr. LESINSKI. Mr. Speaker, this type of bill should go to the Rivers and Harbors Committee, and I still object.

Mr. MOTT. That matter has been definitely settled. The Rivers and Harbors Committee has no jurisdiction whatever over a bill of this kind. The matter is in the exclusive jurisdiction of the Flood Control Committee, to which it has been referred by the Speaker and from which this bill has been favorably reported to the House.

Mr. SCHULTE demanded the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LESINSKI. Mr. Speaker, I object.

#### PRELIMINARY EXAMINATION OF THE UMPQUA RIVER, OREG.

The Clerk called the next bill, H. R. 5651, authorizing a preliminary examination of the Umpqua River, Oreg.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LESINSKI. Mr. Speaker, I object. This is the type of bill that should go to the Rivers and Harbors Committee, and I am going to object to every one of these bills.

#### PRELIMINARY EXAMINATION OF THE COQUILLE RIVER, OREG.

The Clerk called the next bill, H. R. 5773, to authorize a preliminary examination of Coquille River and its tributaries, in the State of Oregon, with a view to the control of its floods.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CARTER. Mr. Speaker, reserving the right to object, may I say to the gentleman who has objected to the preceding two bills that he is laboring under a misapprehension. I am a member of the Rivers and Harbors Committee. What the gentleman states is absolutely correct so far as preliminary surveys for navigation are concerned, but with reference to flood control our committee has never raised a jurisdictional question and the gentleman will find that under the rules of the House the Flood Control Committee is the proper committee to have jurisdiction over bills of this character.

Mr. WILSON of Louisiana. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Louisiana.

Mr. WILSON of Louisiana. Mr. Speaker, the act creating the Committee on Flood Control provides especially for these preliminary surveys and the members of the Rivers and Harbors Committee, like the gentleman from California, know, and the Chairman of the Rivers and Harbors Committee on the floor of the House concedes, that these bills should be referred to the Flood Control Committee where the preliminary examination is for the purpose of flood-control projects.

Mr. LESINSKI. Has this matter been taken up with the engineering department?

Mr. WILSON of Louisiana. Every one of them, and there is a favorable report.

Mr. LESINSKI. Where is that report?

Mr. WILSON of Louisiana. This matter has gone through the Corps of Engineers with reference to flood control on these various streams. Many emergencies exist. Last year one of these preliminary surveys was made in the State of Vermont and the money was allotted to go in and undertake this as an emergency project. There is no other committee that can handle this particular phase because the navigation on those streams is not at all involved. Every member of the Committee on Rivers and Harbors favors this matter.

Mr. SCHULTE demanded the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LESINSKI. I object.



## PRELIMINARY EXAMINATION OF ROGUE RIVER, OREG.

The Clerk called the next bill, H. R. 5774, to authorize a preliminary examination of Rogue River and its tributaries, in the State of Oregon, with a view to the control of its floods.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I may say this same question rose last year with respect to the jurisdiction of the Rivers and Harbors Committee and the Flood Control Committee. I followed the same course at that time that the gentleman is following now with respect to this matter, thinking I was safeguarding the jurisdiction of the Rivers and Harbors Committee. I went into the matter very fully and deeply with both committees, and I found that there were innumerable cases where there was no overlapping of jurisdiction. I have gone over these bills very carefully, and I find the bills now on the calendar involve no question concerning jurisdiction. I have in mind several bills on the calendar, which have to do with inland rivers, concerning which there is no question of jurisdiction so far as harbor development is concerned. For this reason I have raised no objection to these bills, and I hope the gentleman from Michigan will see them in the same light.

Mr. McFARLANE. Mr. Speaker, reserving the right to object, I notice all of these bills contain a provision that the cost thereof shall be paid from appropriations heretofore or hereafter made for examination, surveys, and contingencies of rivers and harbors.

Mr. WOLCOTT. That is right.

Mr. McFARLANE. That being true, if the engineers feel that a preliminary survey should be made and could be made without additional expense, as the gentleman from Oregon indicated a while ago, none of these bills would be necessary; but the fact that these authorization bills are now before us for consideration is a very clear indication to me that each of these bills will require thousands of dollars of additional expense to be paid by the Government. Therefore, Mr. Speaker, I object.

Mr. SCHULTE demanded the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McFARLANE. I object.

## PRELIMINARY EXAMINATION OF THE SIUSLAW RIVER, OREG.

The Clerk called the next bill, H. R. 5775, to authorize a preliminary examination of Siuslaw River and its tributaries, in the State of Oregon, with a view to the control of its floods.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOTT. Mr. Speaker, reserving the right to object, may I say to the gentleman from Texas, in answer to the question he asked a moment ago, that if this bill is passed authorizing a preliminary survey, all the district engineer will do will be to submit his report recommending whether or not in his opinion a flood-control survey should be made. If he recommends against a survey, that settles it. If he recommends that a survey be made, then it would take another bill and another authorization from the Congress to make the survey. This bill calls for nothing but a report from the district engineer. It is technically called a preliminary examination. I repeat, it does not cost the Government any additional money to do this, because making these examinations and reports is a part of the regular work and business of the district engineer's office.

Mr. BLANTON. This has the usual provision that is put in all of these bills?

Mr. MOTT. Certainly. All of them are identical. It is the same thing we have been doing ever since the Flood Control Committee was organized. These bills are jurisdictional, for, without authorization for a preliminary examination, no subsequent flood-control legislation can even be considered.

I do hope the gentleman, in view of the explanation that has now been given and which certainly cannot be open to question, may see fit to withdraw his objection to the consideration of these bills which surely cannot harm him

or his people, but which are vitally necessary to the welfare of the people of the districts where these rivers are located.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LESINSKI. Mr. Speaker, I object.

## EXTENSION OF REMARKS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

## CONSENT CALENDAR

## PRELIMINARY EXAMINATION OF YAQUINA RIVER AND ITS TRIBUTARIES

The Clerk called the next bill, H. R. 5776, to authorize a preliminary examination of Yaquina River and its tributaries, in the State of Oregon, with a view to the control of its floods.

Mr. LESINSKI. Mr. Speaker, I object.

## PRELIMINARY EXAMINATION OF SILETZ RIVER AND ITS TRIBUTARIES

The Clerk called the next bill, H. R. 5777, to authorize a preliminary examination of Siletz River and its tributaries, in the State of Oregon, with a view to the control of its floods.

Mr. LESINSKI. I object, Mr. Speaker.

## EMERGENCY CONSERVATION WORK

The Clerk called the next bill, H. R. 60, to authorize the disposal of surplus personal property, including buildings, of the Emergency Conservation Work.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. TARVER. Mr. Speaker, there is an identical Senate bill on the Speaker's desk, and I ask unanimous consent that the Senate bill (S. 82) may be substituted for the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the Director of Procurement, United States Treasury Department, be, and he is hereby, authorized and directed to transfer to Federal agencies, either permanent or emergency, personal property which is no longer required for use by the Emergency Conservation Work, including equipment, tools, materials, and buildings, when so declared surplus by the Director of the Emergency Conservation Work: *Provided,* That upon the recommendation of the Department under which the technical work of the camp was organized and supervised any such surplus property that is not desired by any Federal agency may be transferred without cost, except for expenses incident to transfer, to the forestry, park, conservation, or educational departments of the States, or to counties or municipalities, or to organizations engaged in the promotion of education, recreation, and/or health.

Sec. 2. Surplus property of the Emergency Conservation Work not required to serve any of the above purposes will be disposed of by the Director of Procurement through sale or in any other manner he may direct.

Mr. McCORMACK. Mr. Speaker, I move to strike out the last word, and ask unanimous consent to speak for 10 minutes out of order.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, there appeared in yesterday's papers a news item relating to the transfer of certain Mexican consuls, two in particular, Hermolao E. Torres, who was consul at San Bernardino, Calif., and who was transferred to Denver, Colo., and another, Alexandro V. Martinez, consul at Los Angeles, Calif., who was transferred to another city of the United States, which, I believe, is Tucson, Ariz.

The item in the newspapers said in part:

Torres, who was charged . . . with trying to prevent the holding of a religious procession in San Bernardino—

Last December—

was transferred to Denver. He was assigned there on a special mission to attempt a solution . . . of Mexican labor troubles in that State. New posts to which other consuls have been assigned were not known here.

The news item further stated:

The Mexican Embassy officials said the shake-up was routine as a result of the change of administration in Mexico, and that the changes were being made over a period of time.

The activities of these two men came to the attention of the Special Committee Investigating Un-American Activities, of which I was chairman, and in our report we incorporated the fact that certain actions violating international law, if established, or if the information were correct, had been committed by both of these Mexican consuls in the United States.

The information was called to the committee's attention the latter part of December, the committee expiring, so far as its investigatorial powers were concerned, on January 3 of this year, too late for the committee to make an investigation.

The committee called this evidence to the attention of the State Department and requested the State Department to make an investigation. I have followed the matter very closely and the State Department has been making such an investigation. Whether or not the investigation has disclosed that the information called to the attention of the committee is correct, I am unable to state at the present time, although it is my understanding there has been substantiation.

In any event, there was called to the attention of the committee, of which I was chairman, evidence which seemed to show indisputably that sometime last December the Mexican consul, Mr. Torres, in San Bernardino, made a statement which was published in a newspaper in that city, and which he requested to have published, calling upon the people of that city, who were of Mexican blood whether citizens or not, not to participate in a religious procession that was being held in connection with the celebration of the patron saint of Mexico.

In addition to this, the information showed he made a radio speech along the same lines, and in addition he went to the mayor and the chief of police of the city of San Bernardino for the purpose of trying to stop the religious procession. This happened in the United States, not in Mexico. If any of these charges are substantiated, demand for the recall of such consul should be made immediately by the State Department.

I have a telegram from the mayor of San Bernardino stating that he was approached by the Mexican consul, and which is a reply to a communication I sent him for information, and which reads as follows: "Both the chief and myself were contacted. Have a copy of the protest", signed "Mayor Secoombe."

The Mexican consul, Mr. Martinez, in Los Angeles, issued a statement in a newspaper, which statement was published at his request, calling upon the Mexican people resident in the United States, whether they were permanently residing here as Mexican people expecting to become citizens, or Americans of Mexican blood and descent, not to participate in a religious procession that was taking place in that city in connection with the same celebration.

I have been following this matter and I would not have spoken on this occasion, although I intended to later, if it were not for the fact that there appeared in yesterday's papers reference to the activities of the special committee, and also the fact that these two Mexican consuls have been transferred to other cities of the United States to perform routine business. I called up the State Department this morning and was informed that these two men at the present time have no official status in the United States; that they have no official status in this country as consular officers, or otherwise.

The State Department further informed me that "it has no official information as to whether they are traveling, or what they expect to do in this country." The State Department also said "it had been notified by the Mexican Embassy that their services had terminated at San Bernardino and Los Angeles, and that recognition of any transfer has not been given by the State Department; and that their appointments in San Bernardino and Los Angeles

have been canceled by this Government. Any change has not been recognized by this Government", which is essential. The exequatur must be approved by the State Department, and the Government of the United States. Whenever the appointment of a consul has been canceled by the government he represents, any transfer of that consul to another place in the country to which he was originally accredited—and in the case of these two Mexican consuls, the United States—must receive the approval of our Government.

If what has been conveyed to the special committee is correct, both of these consuls have violated international law. Those violations of international law occurred in the United States. I do not expect that consuls accredited to this country are going to inject themselves into the internal affairs of this country, whether of religious processions of any creed or processions not pertaining to religious ceremonies or in any other improper manner. In the United States we guarantee the constitutional right of freedom of religious conscience, and we do not expect consuls accredited to this Government to interfere with the free exercise thereof, either by any citizen of the United States or by any person living within the confines of our country. We want good will to exist among all nations. It is impossible for a nation to possess the good will of the people of other nations when it engages in persecutions of its people because of religion or race. Only a few days ago President Roosevelt in a message of good will to the world declared:

It must be the honest endeavor of all peoples to arrive at a sympathetic understanding of others' problems.

He further said:

The progress of the human race from barbarity to civilization has been slow and painful.

That is true. That statement could be added upon. The progress of the human race from civilization to universal tolerance, understanding, and appreciation has been and is still slow and painful. While the progress from barbarity to civilization has been slow and painful, the progress of eliminating some of the curses of civilization, one of the most prominent of which has been and is misunderstanding and intolerance, with resultant persecution, has been slow and painful.

It is the American viewpoint that persecution because of religion or race is contrary to the law of nations. Such a viewpoint is entertained by all broad-minded persons. The right of freedom of religious conscience is a guaranty, a right that we all enjoy under the Constitution of the United States. It has attracted to our shores millions of persons who sought relief from persecution. It has been repeatedly stated, and I am in agreement, that the right of a free religious conscience, and the right of free expression thereof, has been the main factor in our great progress as a nation. When all the nations of the civilized world guarantee to their people this right, together with protecting the power of exercise of religious conscience, the main step in the removal of misunderstanding, and the establishment of good will, will have been taken throughout the civilized world. While it is technically true that one nation cannot concern itself with what are strictly the internal affairs of another nation, there is plenty of precedent for our Government extending its good offices, where an acute and dangerous situation, the result of persecution, exists elsewhere. Furthermore, the denial of the right of religious freedom, and the free exercise thereof, does not extend to the citizens of another nation, particularly a friendly one. Persecution, wherever it exists, arouses a feeling of repugnance and resentment in the minds of all decent thinking, broad-minded persons. Whether in Mexico, some of the States of which have passed persecutory laws against religion, as such—not one creed, but all creeds—or in Germany, where groups are subjected to persecution because of both religion and race, or in any other country where similar conditions might exist in the future, broad-minded persons of all nations, otherwise friendly, or disposed to be friendly, are bound to have their friendly state of mind obscured or subordinated to their repugnance of persecution, and their contempt for those in control of Government, who



are trying to destroy what is generally recognized, and which we of the United States recognize, as an inalienable right.

A tolerant person is intolerant only in one respect. He or she is intolerant against intolerance. Rulers of nations or those in control of government engaging in such practices, policies, and attacks against groups of their people cannot complain against an opposed tolerant and enlightened world opinion. Such an opinion has many effective ways of making itself felt and in a proper manner.

The people of the United States want to be friendly with the Government of Mexico. The most effective way to accomplish that would be for the Mexican Government to extend to religion its proper rights, within its proper sphere, within its jurisdiction. Under no conditions will the people of the United States tolerate Mexican consuls, accredited to the United States, attempting to or interfering with the religious freedom guaranteed to every person resident in the United States, whether citizen or not. The Mexican Government, or any other government engaged in persecution of its people, cannot expect the friendly state of mind of all the people of the United States unless and until such policies cease.

For either one or both of these consuls to attempt to interfere with a religious celebration conducted in the United States was not only a violation of international law but a violation of one of the fundamental guaranties of the Constitution of the United States, and which is recognized as the cornerstone of our liberties. Such men, with the facts established, should not be permitted by our Government to continue their offices in the United States. If a request is made to approve their exequaturs, assigning them to another city of the United States, that approval should be denied. Our Government should go further. With the facts established, our State Department should demand their recall, conveying to the Mexican Government, in emphatic terms, that religious freedom and the free exercise thereof is an inalienable right guaranteed by the Constitution of the United States to all persons, citizens or aliens, subject to our jurisdiction. If the facts are established that either one of these consuls did any of the things complained of, the State Department should act immediately and in no uncertain manner. [Applause.]

The SPEAKER. The time of the gentleman from Massachusetts has expired.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### ADDITIONAL JUDGE, NINTH JUDICIAL CIRCUIT

The Clerk called the bill (H. R. 5917) to appoint an additional circuit judge for the ninth judicial circuit.

The SPEAKER. Is there objection?

Mr. McFARLANE. Mr. Speaker, I object.

Mr. DUFFEY of Ohio. Mr. Speaker, will the gentleman reserve his objection?

Mr. McFARLANE. Yes.

Mr. DUFFEY of Ohio. This matter has been very carefully investigated by the judicial conference, by the Department of Justice, and it has been unanimously recommended by the Committee on the Judiciary because of the great need for this additional judge. The need is very great. There has been no objection from any source which has made an investigation, and I do hope the gentleman from Texas will withdraw his objection.

Mr. TRUAX. Will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. TRUAX. The gentleman from Ohio [Mr. DUFFEY] is a colleague of mine and a member of the Committee on the Judiciary. I should like to ask the gentleman if his committee did not consider impeachment charges that were filed against three Federal judges, James H. Wilkerson, Walter D. Lindley, and Charles A. Woodward. Is that true?

Mr. DUFFEY of Ohio. The subcommittee of the Committee on the Judiciary has thoroughly investigated that matter and made a report to the full committee, which was accepted and approved. Near the end of this session the full

Committee on the Judiciary expects to make a report back to the House of Representatives.

Mr. TRUAX. I should like to remind the gentleman that my colleague at large, Mr. Young, made the following charges, that these three Federal judges were guilty of offenses involving moral turpitude, and have shown themselves utterly unfit to occupy the high judicial positions to which they were intrusted.

Mr. McLEAN. Mr. Speaker, the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McFARLANE. Mr. Speaker, I object.

#### ONE HUNDRED AND FIFTIETH ANNIVERSARY OF SETTLEMENT OF NORTHWEST TERRITORY

The Clerk called the next business, House Joint Resolution 208, to provide for the observance and celebration of the one hundred and fiftieth anniversary of the adoption of the Ordinance of 1787 and the settlement of the Northwest Territory.

Mr. TRUAX. Mr. Speaker, reserving the right to object, I want to say that I have discussed this bill with the author of the resolution, my colleague from Ohio, Mr. SECREST, and I have discussed with him certain amendments which, in my judgment, should be made a part of the bill if it is enacted into law. The gentleman from Ohio [Mr. SECREST] indicates that he does not wish to consider those at this moment. He has indicated that he has an amendment of his own to offer which will reduce the amount of the authorization from \$100,000 to \$75,000. I am opposed to this amendment. I do not object to the amount of the authorization, but I object as to the manner in which it is proposed to spend the money. I would say to the gentleman, and he knows it, that I want to offer an amendment that will authorize \$25,000 of that appropriation of \$100,000 to be used at the 1937 Ohio State fair in fitting commemoration of this event. I am unwilling to authorize an expenditure of \$100,000 to be directed by former Governor George White. Those of us who are familiar with this bill and its background know perfectly well that this is true. We know that the active manager of this celebration has already been selected by White and that they propose to spend at least \$25,000 in salaries and expenses for this manager and his staff. We know that they propose to make this a 3-year job, when it could be efficiently promoted, staged, and produced in less than 1 year. They propose to spend from \$30,000 to \$40,000 for the purchase and distribution of maps in the six States that will be affected by this bill. As usual, these tax spenders, running true to form, want no restrictions or limitations placed on their spending proclivities.

During his 4-year term as Governor of Ohio, Mr. White displayed every characteristic that now crops out in this bill. He had absolutely no regard, mercy, or sympathy for the overburdened taxpayers of his own State, but was always solicitous for the welfare of big business, the racketeering bankers, and the 36-percent loan sharks. Instead of adequately taxing these public enemies, he forced upon our citizens by repeated sessions of the legislature a thoroughly iniquitous, vicious, and obnoxious sales tax.

Enact this bill into law, and it will be only a repetition of the dreary Ohio exhibit at the Chicago Exposition.

I propose another amendment that will limit the amount to be used for salaries and expenses of directors and their assistants to not more than 15 percent of the authorization of \$100,000. I also wish to amend the bill by stipulating that no officials, managers, and directors shall serve for more than 1 year, as that is ample time to promote, produce, and complete the celebration. I am unalterably opposed to \$25,000 or more of this appropriation to be used solely for the purpose of providing a 3-year job for those interested. My amendment to spend \$25,000 of this sum at the 1937 Ohio State fair will be welcomed by all those who recognize this fair as the world's greatest agricultural and livestock exposition, who will know that if a portion of this project is held in cooperation with the management of this magnificent exposition, the Ohio State fair, that its success will be assured; that, instead of using Government funds and tax-

payers' money for jobs, publicity, and personal aggrandizement of a selfish few, this money will be used for the benefit of the six States affected, the entire State of Ohio, and the citizenship of each and every one of the 88 counties of Ohio.

Mr. ZIONCHECK. Mr. Speaker, regular order.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice until the gentleman from Ohio and I can further discuss the matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. TRUAX]?

Mr. SECREST. Mr. Speaker, I must object to that.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. TRUAX. Then I object to the present consideration of the resolution, Mr. Speaker.

#### GOVERNMENT PUBLICATIONS FOR NATIONAL ARCHIVES

The Clerk called the next bill, H. R. 6836, to provide for the printing and distribution of Government publications to the National Archives Establishment.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Reserving the right to object, may I ask the gentleman from Illinois [Mr. KELLER] to explain the necessity for this, and whether there is any duplication of effort on the part of the commission that is obtaining this money?

Mr. KELLER. There is not. I have an amendment to cut out the word "Establishment", which does not belong in the bill. The gentleman from Ohio [Mr. JENKINS] objected to it on that ground the last time.

Mr. JENKINS of Ohio. Reserving the right to object, let us see what the amendment is.

Mr. TRUAX. Mr. Speaker, I reserve the right to object.

Mr. KELLER. The amendment is simply to strike out the word "Establishment."

Mr. JENKINS of Ohio. What word does the gentleman propose to put in place of it?

Mr. KELLER. None at all. Just strike it out.

Mr. TRUAX. Reserving the right to object, Mr. Speaker, the last session at which this bill was considered I asked the gentleman from Illinois [Mr. KELLER] to ascertain if this work could not be handled without an additional appropriation. I will now ask the gentleman if he has obtained any information along that line?

Mr. KELLER. I have. I have a letter from the Public Printer to this effect:

MAY 20, 1935.

HON. KENT E. KELLER,  
House of Representatives, United States,  
Washington, D. C.

MY DEAR MR. KELLER: In reply to your letter of May 16, asking for information in reference to H. R. 6836, a bill to provide for the printing and distribution of Government publications to the National Archives Establishment, I am pleased to advise that the passage of this bill will not require any extra help in the Government Printing Office.

The extra expense involved will be that for paper, presswork, binding, and folding, and it is believed that the \$4,000 estimate furnished by this Office is ample to cover this additional expense.

As stated in your letter, it would be impossible to figure the exact expense involved, and that any attempt to do so would cost more than the amount involved. As stated, it is believed that the \$4,000 is sufficiently high to reimburse the Government Printing Office for the additional burden that will be imposed by the passage of the act. If it proves to be too high, any surplus will, of course, revert to the general fund of the Treasury.

Respectfully,

A. E. GIEGENGACK,  
Public Printer.

Mr. TRUAX. Mr. Speaker, I think the gentleman has done a good job in getting this information, and I withdraw my reservation of objection.

Mr. DOCKWEILER. Reserving the right to object, will the gentleman explain to me what type of publications will go into the Archives?

Mr. KELLER. Of course, the first object of the Archives is to use, as far as possible, originals every time, but very

often originals are not obtainable. Where they are not obtainable we always get a printed copy, and where there is likelihood of their being lost we always get a duplicate, so that we will always have permanently, for all time, these publications, either originals or copies of them, for consideration and study.

Mr. DOCKWEILER. Will these publications be the same as the publications that are sent automatically to the Congressional Library?

Mr. KELLER. Yes; surely.

Mr. DOCKWEILER. Will there not be duplication?

Mr. KELLER. There will not. There will be no extra expense except the presswork.

Mr. DOCKWEILER. Why keep these publications in the Archives and also in the Congressional Library?

Mr. KELLER. For this reason: The Archives is for the purpose not of general work; the Library is the place for that. Therefore the copies that go to the Library are for the general use of everybody who wants to study them. In the Archives they are kept under lock and key in such a way that if you go there to study them you must show that you have that right. They remain there so as to be sure that there will be a copy of everything that is obtained, and they will not be destroyed.

Mr. DOCKWEILER. Will a copy of every publication go to the Archives?

Mr. KELLER. Every one of them.

Mr. DOCKWEILER. Where will we find enough room to put them?

Mr. KELLER. It is of immense importance to be able to trace the steps by which a bill becomes a law; and each step, step by step, should be shown. Over in the Library there are many years that are missing entirely. This situation ought never to exist in the Archives.

Mr. DOCKWEILER. I merely wanted an explanation of it. As a member of the Committee on Appropriations for the Legislative Establishment, I know that we are spending a lot of money to preserve every report of every committee and everything that is published. We are filling up rooms in the old House Office Building. For this purpose, an increase in the appropriation was asked this year. If this is going to continue, we will fill up 10 buildings in Washington.

Mr. KELLER. No; there is a limit. The purpose is to have the originals always available. They are not in the Library of Congress.

Mr. DOCKWEILER. How many copies will be filed in the Archives?

Mr. KELLER. I think two.

Mr. DOCKWEILER. The Congressional Library gets three copies.

Mr. KELLER. But those are used and broken to pieces in using them. The copies in the Archives will be protected against such use.

The SPEAKER pro tempore (Mr. PATMAN). Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That title 44 of the Code of Laws of the United States be, and is hereby, amended by adding a new section as follows:

"SEC. —. That there shall be printed and delivered by the Public Printer to the National Archives Establishment for official use, which shall be chargeable to Congress, two copies each of the following publications:

"House documents and public reports, bound; Senate documents and public reports, bound; Senate and House journals, bound; United States Code and Supplements, bound; Statutes at Large, bound; Official Register of the United States, bound; Decisions of the Supreme Court of the United States, bound; and all other documents bearing a congressional number, and all documents not bearing a congressional number printed upon order of any committee in either House of Congress, or by order of any department, bureau, independent office or establishment, commission, or officer of the Government except confidential matter, blank forms, and circular letters not of a public character; and one copy each of all public bills and resolutions in Congress in each parliamentary stage.

"The Superintendent of Documents shall furnish without cost copies of such publications as may be available for free distribution."



With the following committee amendment:

Page 2, lines 10 and 11, strike out the words "one copy" and insert in lieu thereof the words "two copies."

The committee amendment was agreed to.

Mr. KELLER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KELLER: Page 1, lines 6 and 7, after the word "Archives" in line 6, strike out the word "Establishment."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WHITE SWAN SCHOOL DISTRICT, YAKIMA COUNTY, WASH.

The Clerk called the next bill, H. R. 4297, to provide funds for cooperation with White Swan School District No. 88, Yakima County, Wash., for extension of public-school buildings to be available for Indian children of the Yakima Reservation.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, these bills from Calendar No. 74 to Calendar No. 87, inclusive, with the exception of Calendars Nos. 84 and 92, and Calendar No. 113, were called on the last Consent Calendar day. At that time I asked that these bills be passed over without prejudice for the reason that I felt they should be put into an omnibus bill. I have had the matter up with the committee since then and they seem to think it is not desirable to bring them up in an omnibus bill. As I said at that time, I have no objection to the merits of the bills, but I objected only to the manner in which they were being brought in. For this reason I withdraw my reservation of objection.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I am not inclined to object to this group of bills, and I hope they can be disposed of in the same way so as to save time. I do want to ask a few questions and will appreciate the gentleman's answer. I should like to know if this will not result in a difference in the treatment of schools in different parts of the country? These bills, in the matter of providing for the education of Indian children, are different from any bills that have been called up since I have been paying attention to these matters. Heretofore, as I understand it, the Indians were provided with their own Indian schools. Now, for some reason or other, it is decided to send the Indians to public schools. The Indian land is free of taxation. This being the case you are going to allow the Indians to go to school with the white people, or the American people, whatever you want to term them; the Indian lands are not subject to taxation; the Indians make no contribution whatever. Are not the people in these sections bound to raise objection on the ground that they are having to educate these children without the Indians participating in the expense? How can you Members from the Indian country explain this to your constituents?

Mr. AYERS. Mr. Speaker, the idea is that the Government pretty generally, through its administration of the Wheeler-Howard bill and, as a matter of fact, starting some 2 or 3 years previous to the passage of that bill, adopted a policy of sending the Indian children to State schools supported by taxation there; and until they became overcrowded, the State schools made no objection, and they got along fine; there never was and there never has occurred any race turmoil or race prejudice whatever. Now these schools are becoming overcrowded, and additions must be built to the present buildings in order to continue to accommodate both the Indian and white patrons. If the additions to the buildings are provided the schools are willing to supply the equipment, although the Indian population and the Indian patrons of the schools are free from tax burden. The only requirement is that the buildings be extended.

Mr. JENKINS of Ohio. Will not this result in this group of schools receiving aid from the Government to the exclusion of other schools throughout the country? Is not the result going to be that these schools for the white and Indian children will be built by the Government? In no

other section of the country does this obtain. Everywhere else the people pay for their own school buildings.

How much is it expected this will ultimately cost? Is it not somewhere between \$700,000 and \$800,000?

Mr. AYERS. The entire cost for all these 15 schools is figured at \$751,000.

Mr. JENKINS of Ohio. Seven hundred and fifty-one thousand dollars is going to be given for the purpose of building schools in certain sections of the United States upon different terms than in other sections of the country.

This proposition ought to come before the subcommittee of the Committee on Appropriations dealing with the Department of the Interior. I do not want, of course, simply to thrust my own views upon the House, but what I have said is what appears to me is going to happen—that the children in these sections of the country are going to be furnished with educational facilities, school buildings, paraphernalia, and equipment paid for by the Government—a condition which does not exist anywhere else.

Mr. TABER. Mr. Speaker, reserving the right to object, is it not a fact that this bill is similar to a bill which was considered a year ago, rather a group of bills, providing schoolhouses for the Indians where there formerly had been adequate schoolhouses which had been given up; is not this one of those bills?

Mr. AYERS. It is one of the same bills which was up on Consent Calendar at the last session of Congress and objected to; yes.

Mr. TABER. And was not that the situation?

Mr. AYERS. Yes; the gentleman is correct as far as he has stated the situation; and let me add that the situation came about in this way: Previous to the enactment of the Wheeler-Howard bill there had been, since 1931, a general policy of the Indian Department for the placing of Indian children in white schools and to have them associate with and educated with white children. Since the adoption of that policy many—I cannot say many; but a large number of the Indian schools on the reservations had been abandoned and the Indian children were sent to white schools. This policy has now been pretty generally adopted, and in all instances the white schools have given their full cooperation. No complaint nor request for help occurred until the schools became overcrowded.

Bear in mind that none of these State schools were under any obligation to take these Indian children. Their parents were not taxpayers as Indian property is exempt from taxation, and then these Indian children were wards of the Government, but for the benefit of such children the State schools accepted them. Now the schools are overcrowded and the Indian schools have been abandoned so there is nothing the Government can do to educate its wards except cooperate with the State schools.

In each of these instances the bill involves a State school now sadly overcrowded.

Mr. TABER. In other words where we formerly had an adequate building, and I do not know but what that exists now, we are going ahead and for the same identical purpose appropriate money to build another building for the same purpose?

Mr. AYERS. No; the purpose is not to build another building. It is simply to enlarge the present State schools. They are overcrowded and the Indian children will be crowded out and they will get no educational benefits unless this legislation is passed. They cannot go back to Indian schools for those buildings have been salvaged.

Mr. SCHULTE demanded the regular order.

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. AYERS. Mr. Speaker, in view of the fact that this bill has been passed over until the next call of the Unanimous Consent Calendar, I ask unanimous consent that all of the school bills may be passed over without prejudice.



The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. WOLCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WOLCOTT. Mr. Speaker, I understand that under the unanimous consent request the bills on the Consent Calendar numbered 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 85, 86, 87, 92, and 113 are passed over without prejudice?

The SPEAKER pro tempore. The gentleman is correct.

#### PROCTORS AND MARSHALS' FEES

The Clerk called the next bill, H. R. 29, to amend the laws relating to proctors and marshals' fees and bonds and stipulations in suits in admiralty.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 824 of the Revised Statutes (U. S. C., title 28, sec. 572) is amended by adding after the first paragraph of such section the following new paragraph:

"On appeals in admiralty, where the amount involved is not over \$1,000 a proctor's docket fee of \$20; where the amount involved is from \$1,000 to \$5,000 a proctor's docket fee of \$50; where the amount involved is over \$5,000 a proctor's docket fee of \$100. On such appeals cost of brief of successful party to be taxed, where amount involved is not over \$1,000 at not exceeding \$25; where amount involved is between \$1,000 and \$5,000 at not exceeding \$50; where amount involved is over \$5,000 at not exceeding \$75."

Sec. 2. Section 829 of the Revised Statutes, as amended (U. S. C., title 28, sec. 574; Supp. VII, title 28, sec. 574), is amended by striking out of such section the paragraph which reads as follows:

"When the debt or claim in admiralty is settled by the parties without a sale of the property, the marshal shall be entitled to a commission of 1 percent on the first \$500 of the claim or decree, and one-half of 1 percent on the excess of any sum thereof over \$500: *Provided*, That when the value of the property is less than the claim such commission shall be allowed only on the appraised value thereof."

Sec. 3. Section 941 of the Revised Statutes, as amended (U. S. C., title 28, sec. 754), is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "*Provided*, That the parties may stipulate the amount of the bond or stipulation for the release of a vessel or other property on libel in admiralty to be not more than the amount claimed in the libel, with interest, plus an allowance for libellant's costs: *Provided further*, That in the event of the inability or refusal of the parties to so stipulate the amount of the bond, the court shall fix the amount thereof, but if not so fixed then a bond shall be required in the amount hereinbefore prescribed in this section."

With the following committee amendment:

On page 2, after line 16, insert the following: "and inserting in lieu thereof the following: 'In all cases in which the vessel or other property is sold by a public auctioneer or by some party other than the marshal or his deputy, the fee herein authorized to be paid to the marshal shall be reduced by the amount paid to said auctioneer or other party.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### STOCKBRIDGE AND MUNSEE TRIBE OF INDIANS (WISCONSIN)

The Clerk called the next bill, H. R. 5229, directing the Secretary of the Interior to investigate, hear, and determine claims of the individual members of the Stockbridge and Munsee Tribe of Indians of the State of Wisconsin.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, and I do this to ask a question, I do not remember of ever having a bill like this come before this body in my time where the Secretary of the Interior is given power to consider Indian claims. One of his chief duties is to deal with the Indians. That was in ordinary times, and before he got so many other things to do in connection with the recovery program. In this report I notice he says that he would like to handle these claims and recommends that the bill be passed. May I have some explanation?

Mr. BOILEAU. There is a precedent for this in that a similar bill was passed in the Seventieth Congress authorizing

the Secretary of the Interior to investigate and report on the claims of individual members of the Sioux Tribe of Indians. This bill is distinguishable from the next bill only in that this one deals with the claims of the individual members of the Stockbridge and Munsee Tribe of Indians in Wisconsin, and H. R. 5230, the next bill, provides that the tribal claims go to the Court of Claims. I call the gentleman's attention to the fact that a bill was introduced in the Seventy-third Congress giving the Court of Claims jurisdiction not only over the claims of the individual Indians but also of the tribe. In the report on that bill the Secretary of the Interior stated:

These additional claims have not been specifically formulated, and hence report cannot be made on their merits at this time. However, they appear to be matters for administrative examination and appropriate recommendation to Congress at a later date for a direct appropriation should the claims prove to be meritorious. Also it is not customary to refer individual Indian claims to the Court of Claims for adjudication.

The purpose of this bill is to do exactly what the Secretary of the Interior at that time suggested should be done; in other words, that the Secretary of the Interior be authorized and empowered to examine and investigate these claims, because at that time the Secretary of the Interior said that there was not sufficient information available, without administrative investigation, to determine whether or not the claims should be approved.

Mr. JENKINS of Ohio. And the Secretary of the Interior has now changed his mind?

Mr. BOILEAU. In the report he sent to the committee he stated he knew of no claim, and that was the only reason he objected, although I think there must have been some misunderstanding, because before the committee Mr. Collier, Commissioner of Indian Affairs, recommended that the committee report the bill favorably. In the report made during the Seventy-third Congress it was stated that "it is understood these Indians have other tribal claims involving timber receipts" and that various members of the tribe have individual claims growing out of timber sales, the allotting of land, and so forth. Those are the identical claims we want him to examine. If he does not find them meritorious, the claims should not be paid. If he does find them meritorious, the claims may be incorporated in a bill and reported back to the Congress.

Mr. LESINSKI demanded the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate, hear, and determine the claims of the individual members of the Stockbridge and Munsee Tribe of Indians of the State of Wisconsin: *Provided*, That the Secretary of the Interior is authorized to make all rules and regulations necessary to carry out the provisions of this act: *Provided further*, That the claims which shall be investigated under this act shall be individual claims for allotments of land and for loss of personal property, timber or logs, or improvements on allotments belonging to any such Indian. In the event the original claimant is dead, such claim or claims may be presented by his or her heirs. If any such claims shall be considered meritorious, the Secretary of the Interior shall adjust and pay the same where there is existing law therefor, and such other meritorious claims he shall report to Congress with his recommendations.

Mr. TREADWAY. Mr. Speaker, I move to strike out the last word.

I wish to bring to the attention of the House the reference to the Stockbridge Indians that appears in this bill. It so happens that my home town in western Massachusetts is the original home of the Stockbridge Tribe of Indians.

About 1723 we find the first record of any whites occupying western Massachusetts, but it was not until 1735, 200 years ago, that we find any definite record of the relations between the Indians then living in that territory and the whites. John Sargent, then a student in Yale College, was ordained as the first missionary to the Stockbridge or Housatonic Indians and remained with them until his death in 1749. He was succeeded by Jonathan Edwards, who had preached such strong doctrine to the whites of Northampton



that the missionary authorities thought he would be of more use among the Indians further west. While in Stockbridge he wrote his celebrated treatise on the Freedom of the Will. He died soon after becoming president of Princeton University.

Mr. KENNEY. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I shall be pleased to yield to the gentleman.

Mr. KENNEY. I simply wanted to make this observation, which I have no doubt the gentleman recalls: One of the greatest friends of the Stockbridge Indians was Ephraim Williams, who later founded Williams College, in the Berkshires.

Mr. TREADWAY. There is no question about the accuracy of the gentleman's statement and, as a graduate of Williams College, the gentleman has a right to be proud of Ephraim Williams, as I am also equally proud of Mark Hopkins, who was born and brought up in Stockbridge and later became president of Williams College.

The relations between the Stockbridge Indians and their white neighbors were very cordial, although there were early efforts to secure land from them. The section known as "Southern Berkshire" passed into the hands of a white committee in 1724 for the sum of £450, 3 barrels of cider, and 30 quarts of rum. The chief of the tribe was Konkapot, who in 1734 was commissioned a captain by Governor Belcher.

In 1749 the Indian population of Stockbridge consisted of 53 families and over 200 individuals. If time permitted, it would be of great interest locally to trace the movements of the Stockbridge Indians from that time up to the present. Let me, however, make very brief reference to it.

Following the Revolutionary War there was more or less interchange of visits between the Indians in western Massachusetts and those in central New York. Between 1783 and 1788 the Stockbridge Indians joined the Oneidas in Madison County, N. Y., and settled a town called "New Stockbridge." In 1818 they removed to Ohio, but remained there only temporarily. Some moved to Green Bay, Wis., in 1821, and by 1829 all the members of the tribe joined them. In 1831 we are told that two townships were set up on the east side of Lake Winnebago for the use of the Stockbridge and Munsee Tribes.

I wish, however, to recall a few reminiscences of the period during which the Indians resided in Stockbridge, Mass., my birthplace. All historical references agree that they were well treated by our ancestors, were called a comparatively peaceful tribe, and were amenable to the religious influences of the missionaries and the prominent whites. It is interesting to note that our colonial legislature, known as the "general court", passed considerable legislation to prevent any unfair disposition of their land.

On March 9, 1784, John Bacon, Jahleel Woodbridge, and John Sargent by statute were appointed commissioners to examine such sales and only to approve them when the Indians' rights were properly cared for. It so happens that I possess a deed covering a transaction of this nature, approved by the board of commissioners. I also have in my possession a very remarkable warrant authorizing a deputy sheriff under the authority of the selectmen to notify all Indians competent to vote for representative in general court to cast their ballots on a certain date. I hope some day to be able to trace the execution of that valuable document and to find out how many Indians actually voted at town meeting.

The burial place of the Stockbridge Indians in Stockbridge is marked by a natural boulder and bears an inscription.

Possibly nothing more typical of the development of this country can be found than the life and migration of the Stockbridge Indians, inhabiting as they did the beautiful hills and valleys of western Massachusetts, wandering freely over its rugged mountains in quest of game for their subsistence. Civilization has gradually crowded them further and further away from their original haunts. Nature itself alone has remained in that region as they occupied it. But today we find it a hive of industry and its natural attractions

appreciated by visitors in search of recreation during the summer months. [Applause.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CLAIMS OF THE STOCKBRIDGE AND MUNSEE TRIBE OF INDIANS

The Clerk called the next bill, H. R. 5230, to confer jurisdiction upon the Court of Claims to hear claims of the Stockbridge and Munsee Tribe of Indians.

Mr. McFARLANE. Mr. Speaker, reserving the right to object, I wish to ask a question of the author of this bill. It seems to me this legislation is very far-reaching. At the outset it waives the statute of limitations and gives the Department here all legal and equitable rights to settle these old claims, when at this time, no doubt in many cases, the files have been stripped and perhaps the evidence on the Government side of the case is practically all gone.

If we make an exception in a case like this I see no reason why we should not be asked in the future to make a lot of other exceptions which, in effect, would indirectly, perhaps, nullify the work of the Court of Claims.

Why should not these Indian claims take the same course as all other claims and be filed in the Court of Claims under existing law?

Mr. BOILEAU. Mr. Speaker, I may state to the gentleman this is the ordinary jurisdictional bill and practically the identical language used with respect to all these Indian tribes that have come to the Congress and asked for such jurisdictional bills. The language is identical with many we have passed in the Congress during the last several sessions I have been here. There is nothing unusual about it, and so far as the language being in broad terms is concerned, it is understood that in giving the Court of Claims jurisdiction we realize that it is necessary to give the tribes some unusual rights so far as jurisdiction is concerned.

Mr. McFARLANE. What is the reason they have not filed their claims within the statutory requirement?

Mr. BOILEAU. I may state to the gentleman that practically all of these Indian tribes have had the same difficulty. They have been more or less at the mercy of Government officials. They have legitimate claims, but we find that over a period of years their business matters have been neglected and practically every tribe in the country at one time or another has come in and asked for a similar bill so that their rights may be adjudicated.

We ask that these claims be decided upon their merits and that the Government, who is the guardian of the Indians, waive the statute of limitations. Certainly, it does not seem to be reasonable that a guardian should be permitted to plead the statute of limitations as a defense to any action brought on the part of his ward. Had the Indians been considered legally competent to manage their own business affairs, the Government would not have found it necessary to become the guardian of the Indians.

Mr. McFARLANE. And this deals only with guardianship?

Mr. BOILEAU. This bill authorizes the Indians to bring suit against the United States Government for acts on the part of the United States Government as the guardian of the Indians and demand an accounting. The bill gives the tribe an opportunity to be heard upon the merits of its claims, and unless we waive the statute of limitations, the Indians would not be able to demand settlement of a just claim against the guardian.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That jurisdiction be, and it is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitations, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Stockbridge and Munsee Tribe of Indians, or arising under or growing out of any act of Congress or Executive order in relation to Indian affairs or for the misappropriation of any of the funds, lands, or property of said tribe, or for the



failure of the United States to pay said tribe any money or other property due, which said Stockbridge and Munsee Tribe of Indians may have against the United States, which claims have not heretofore been determined or adjudicated on their merits by the Court of Claims and the Supreme Court of the United States: *Provided*, That claims asserted in actions brought under the act of June 7, 1924 (43 Stat. 644), may be filed under this act and shall be tried on their merits.

Sec. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petitions be filed as herein provided in the Court of Claims within 5 years from the date of the approval of this act, and such suit or suits shall make the Stockbridge and Munsee Tribe of Indians party plaintiff and the United States party defendant. The petitions shall be verified by the attorney employed by said Stockbridge and Munsee Tribe of Indians to prosecute such claim or claims under contract with said tribe of Indians, made and approved in accordance with existing law.

Sec. 3. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney of said Stockbridge and Munsee Tribe of Indians to such treaties, papers, correspondence, and records as may be needed by the attorney in the prosecution of any suits under this act.

Sec. 4. In said suit or suits the court shall hear, examine, and adjudicate any claims which the United States may have against said Stockbridge and Munsee Tribe of Indians, and any payment which the United States may have made to or for the benefit of said Stockbridge and Munsee Tribe of Indians prior to the date of adjudication shall not operate as an estoppel but may be pleaded as an offset in said suit.

Sec. 5. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to any such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

Sec. 6. That upon the final determination of any suit instituted under this act, the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney so employed by said Stockbridge and Munsee Tribe of Indians for the services and expenses of said attorney rendered or incurred subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by the said Court of Claims for services be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 percent of the amount of recovery against the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### RELIEF OF OFFICERS AND SOLDIERS, SPANISH-AMERICAN WAR

The Clerk called the bill (H. R. 2024) for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain, and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899.

The SPEAKER. Is there objection?

Mr. TRUAX. Mr. Speaker, I reserve the right to object. I think this bill should be passed over without prejudice until we can obtain some specific information. I have asked the question of several Members as to the amount of money required to finance this bill if it is enacted into law. I have received only one answer, and that comes from the gentlewoman from Arizona [Mrs. GREENWAY], that possibly it might cost \$5,000,000. At the present time the Committee on Pensions, of which I am a member, is holding hearing on the Smith bill, which seeks to restore the pensions of the Spanish War veterans to their status prior to the enactment of the Economy Act. If that bill is reported out favorably by the committee, it will require funds of about \$50,000,000 per year. It will be necessary before that bill can be enacted into law to have the approval of the President and General Hines. We are now attempting to determine the exact cost of that bill to the Treasury. I think it would be most unwise and unsound to pass this bill now, which will call for an authorization of at least \$5,000,000 and thereby prejudice this pension legislation now being considered by the committee.

Therefore, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. WEARIN. Mr. Speaker, will the gentleman withhold that temporarily?

Mr. TRUAX. Yes.

Mr. WEARIN. The gentleman agrees, I take it, that it is of paramount importance that Congress carry out the origi-

nal agreement with the Spanish-American War veterans with respect to this matter, does he not?

Mr. TRUAX. I might say to the gentleman that many of us think that the Government should fulfill its obligation and contract with the World War veterans by the enactment into law of the Patman bonus bill.

Mr. WEARIN. That is beside the point.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. GUYER. Mr. Speaker, I reserve the right to object.

Mr. SCHULTE. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is called for. Is there objection?

There was no objection.

#### THE JUDICIAL CODE

The Clerk called the bill (H. R. 7050) to amend the Judicial Code.

There being no objection to the bill, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That that part of the Judicial Code, as amended (46 Stat. 820, sec. 184), which reads as follows:

"Terms of the United States District Court for the Eastern District of Pennsylvania shall be held at Easton, Pa., on the first Tuesdays in June and November of each year: *Provided, however*, That all writs, precepts, and processes shall be returnable to the terms at Philadelphia and all court papers shall be kept in the clerk's office at Philadelphia unless otherwise specially ordered by the court, and the terms at Philadelphia shall not be terminated or affected by the terms herein provided for at Easton: *Provided further*, That this authority shall continue only during such time as suitable accommodations for holding court at Easton are furnished free of expense to the United States."

With the following committee amendment:

Page 1, line 3, strike out all of page 1 down to and including line 6, on page 2, and insert in lieu thereof the following: "That the act of June 27, 1930, entitled 'An act to provide for terms of the United States District Court for the Eastern District of Pennsylvania' (ch. 634, 46 Stat. 820) is amended to read as follows:

"Terms of the United States District Court for the Eastern District of Pennsylvania shall be held at Easton, Pa., on the first Tuesdays in June and November of each year: *Provided, however*, That all writs, precepts, and processes shall be returnable to the terms at Philadelphia and all court papers shall be kept in the clerk's office at Philadelphia unless otherwise specially ordered by the court, and the terms at Philadelphia shall not be terminated or affected by the terms herein provided for at Easton."

The amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended to read: "A bill to amend the act of June 27, 1930 (ch. 634, 46 Stat. 820)."

#### ADDITIONAL DISTRICT JUDGE, EASTERN DISTRICT OF VIRGINIA

The Clerk called the bill (H. R. 1414) to provide for the appointment of an additional district judge for the eastern district of Virginia.

The SPEAKER. Is there objection?

Mr. McFARLANE. Mr. Speaker, I reserve the right to object. This is a bill creating an additional district judge for the eastern district of Virginia. It seems to me that a careful survey should be made of the Federal judiciary to the end that we may have a proper redistributing of the Nation so as to redistribute the work and stop the creation of these additional judgeships.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. McFARLANE. Yes.

Mr. BLANTON. This is the bill of our distinguished colleague, Governor MONTAGUE, of Virginia. For several years they have been trying to get a new Federal judge at Richmond, Va. Business there has been so congested that litigants who have business in the Federal court have refrained from bringing that business in the Federal court. Our colleague has been trying for a long time to get this judge. I hope my colleague will let this particular bill go by.

Mr. McFARLANE. Mr. Speaker, for the reasons I have just stated, I feel it my duty to object. (In all suits brought

in State courts the litigants are better off, they may thus get them decided in their lifetime—and in the Federal courts it is doubtful, in many cases, whether this can be done.

Mr. CELLER. Will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. CELLER. The Supreme Court of the United States has made a careful survey of the entire situation. There is a report of the Judicial Conference dated September 1934, which goes into all the facts and circumstances in the most minute detail. The report recommends the passage of this bill and several other bills which are on the calendar. If the gentleman thinks there should be some duplication of the efforts of the Supreme Court Justices and the senior circuit court judges all over the United States and the circuit court of appeals, well and good, but I do not think that is essential.

Mr. LESINSKI. Mr. Speaker, the regular order.

Mr. McFARLANE. Mr. Speaker, I have read this report of our committee, and I still object.

#### ADDITIONAL DISTRICT JUDGES FOR THE SOUTHERN AND EASTERN DISTRICTS OF NEW YORK

The Clerk called the next bill, H. R. 7057, to provide for the appointment of 2 additional judges for the southern district of New York and 1 additional judge for the eastern district of New York.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHULTE. Mr. Speaker, I object.

Mr. YOUNG. Mr. Speaker, I object.

Mr. TRUAX. Reserving the right to object—

Mr. KELLER. Mr. Speaker, regular order.

The SPEAKER pro tempore. Is there objection?

Mr. YOUNG. Mr. Speaker, I object.

#### CHIPPEWA INDIANS OF MINNESOTA

The Clerk called the next bill, H. R. 2049, to amend an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims", approved May 14, 1926 (44 Stat. L. 555).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McFARLANE. Reserving the right to object, I would like to have this bill explained as to why these broad powers are given. I will reserve the objection until the bill is explained.

Mr. KNUTSON. Mr. Speaker, this bill was introduced at the request of the Chippewa Indians of Minnesota. It has the approval of the Department of the Interior as well as the Indian Bureau. It simply extends the time for filing certain papers in a suit pending in the Court of Claims.

Mr. McFARLANE. What is the reason those papers were not filed in the proper time?

Mr. KNUTSON. This simply extends the time. I hope the gentleman will not object.

Mr. McFARLANE. Mr. Speaker, I withdraw my reservation of objection.

Mr. LESINSKI. Mr. Speaker, I object.

#### COMPENSATION FOR CHIPPEWA INDIANS OF MINNESOTA FOR LANDS

The Clerk called the next bill, H. R. 2046, to compensate the Chippewa Indians of Minnesota for lands set aside by treaties for their future homes and later patented to the State of Minnesota under the Swamp Land Act.

The SPEAKER pro tempore (Mr. PATMAN). Is there objection to the present consideration of the bill?

Mr. TRUAX. Mr. Speaker, reserving the right to object, this bill calls for the authorization of \$223,000.

Mr. McFARLANE. Then I object.

Mr. PITTINGER. Will the gentleman reserve his objection?

Mr. McFARLANE. I will withhold it, but I shall object.

Mr. KNUTSON. Well, why does the gentleman object? The Government admits that they owe this sum to the Indians. Land that was ceded by the Indians to the Fed-

eral Government should have been sold and the Indians should have been reimbursed at the rate of \$1.25 an acre.

Mr. LESINSKI. Mr. Speaker, the regular order.

Mr. TRUAX. Would the gentleman favor the issuance of tax-exempt bonds to pay this?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, the sum of \$223,162.62, said amount to be credited to the trust fund of the Chippewa Indians of Minnesota arising under the provisions of section 7 of the act of January 14, 1889, in full payment for 178,530.10 acres of land embraced within reservations established by the treaties of March 11, 1863 (12 Stat. 1249), May 7, 1864 (13 Stat. 693), and March 19, 1867 (16 Stat. 719), for the future homes of said Indians, and later patented to the State of Minnesota under the provisions of the amendatory Swamp Land Act of March 12, 1860, without compensation to said Indians.

Mr. LESINSKI. Mr. Speaker, this bill has been objected to.

Mr. TRUAX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TRUAX. Was Calendar No. 103 objected to?

The SPEAKER pro tempore. That bill was not objected to.

Mr. TRUAX. Mr. Speaker, I objected to that bill.

Mr. McFARLANE. I objected to that bill and then I withdrew my objection, and the gentleman from Michigan [Mr. LESINSKI] renewed his objection to the bill.

Mr. PITTINGER. Mr. Speaker, a point of order; the objection comes too late.

The SPEAKER pro tempore. The Clerk will continue reading the bill.

Mr. TRUAX. Mr. Speaker, I make a point of order. This bill was objected to. I object to the bill.

The SPEAKER pro tempore. The gentleman did not object at the proper time.

Mr. TRUAX. I did not have an opportunity.

The SPEAKER pro tempore. The Chair put the question, "Is there objection?" and there was no objection heard. The Clerk will continue reading the bill.

Mr. TRUAX. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. TRUAX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TRUAX. Is a motion to recommit this bill to the committee in order?

The SPEAKER pro tempore. It will be at the proper time, when the bill is read.

Mr. TRUAX. Mr. Speaker, I withdraw my point of order of no quorum, temporarily.

The SPEAKER pro tempore. The gentleman from Ohio withdraws the point of order. The Clerk will continue reading the bill.

The Clerk read as follows:

Sec. 2. That the Secretary of the Interior be, and he hereby is, authorized to determine just and proper compensation to the respective attorneys representing the Chippewa Indians of Minnesota in the prosecution of their claims against the United States for the services rendered in the prosecution of said claim, said compensation to be based upon the nature, extent, character, and value of said services, and to pay such amounts, if any, as he may find said attorneys to be entitled to receive out of the trust funds standing to the credit of the Chippewa Indians of Minnesota.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. TRUAX. Mr. Speaker, I offer a motion to recommit the bill to the committee.

Mr. WOLCOTT. Mr. Speaker, I make the point of order that the motion to recommit is not in writing.

Mr. BLANTON. Mr. Speaker, that objection is perfunctory.



The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from Ohio.

The Clerk read as follows:

Mr. TRUAX moves to recommit the bill H. R. 2046 to the Committee on Indian Affairs.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. TRUAX) there were—ayes 30, noes 52.

Mr. TRUAX. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. TRUAX. A point of order, Mr. Speaker; the last division showed there was not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 105, nays 234, answered "present" 1, not voting 91, as follows:

[Roll No. 79]

YEAS—105

Arnold	Delaney	Kniffin	Quinn
Ashbrook	Dickstein	Kocalkowski	Rabaut
Beam	Dobbins	Lambeth	Ramsay
Beiter	Doxey	Larrabee	Rankin
Blanton	Drewry	Lesinski	Rudd
Bloom	Driscoll	Lewis, Colo.	Russell
Boland	Duffey, Ohio	Ludlow	Sadowski
Brunner	Edmiston	McFarlane	Sanders, Tex.
Buchanan	Elcher	McGrath	Schulte
Buck	Farley	McKeough	Scott
Bulwinkle	Fernandez	McMillan	Shanley
Caldwell	Flesinger	McReynolds	Sirovich
Cannon, Wis.	Fletcher	Maloney	South
Carpenter	Ford, Calif.	Massingale	Sullivan
Citron	Ford, Miss.	Mead	Sutphin
Coffee	Fulmer	Merritt, N. Y.	Sweeney
Colden	Gray, Ind.	Miller	Taylor, Colo.
Cole, Md.	Green	Moritz	Taylor, S. C.
Colmer	Greever	O'Connor	Terry
Cooper, Tenn.	Griswold	O'Day	Tony
Costello	Hart	O'Leary	Truax
Cox	Higgins, Mass.	Owen	Whelchel
Crosby	Imhoff	Parks	Whittington
Cross, Tex.	Jones	Patterson	Zioncheck
Crowe	Keller	Pearson	
Cullen	Kelly	Pettengill	
Cummings	Kloeb	Polk	

NAYS—234

Adair	Dingell	Hoeppel	Michener
Allen	Dirksen	Hoffman	Millard
Andresen	Disney	Hollister	Mitchell, Ill.
Andrew, Mass.	Ditter	Holmes	Mitchell, Tenn.
Andrews, N. Y.	Dondero	Hook	Montague
Ayers	Doughton	Hope	Montet
Bacharach	Driver	Houston	Moran
Bacon	Duffy, N. Y.	Huddleston	Mott
Bell	Duncan	Hull	Murdock
Biermann	Dunn, Pa.	Jacobsen	Nelson
Binderup	Eaton	Jenckes, Ind.	Nichols
Blackney	Eckert	Jenkins, Ohio	O'Brien
Bland	Ellenbogen	Johnson, Tex.	O'Connell
Boehne	Engel	Kahn	Palmsano
Boileau	Englebright	Kee	Parsons
Bolton	Faddis	Kenney	Patman
Brewster	Fenerty	Kerr	Patton
Brooks	Ferguson	Kimball	Peterson, Fla.
Brown, Ga.	Flah	Kinzer	Peterson, Ga.
Brown, Mich.	Fitzpatrick	Knutson	Pierce
Buckbee	Focht	Kopplemann	Pittenger
Buckler, Minn.	Fuller	Kramer	Powers
Burdick	Gearhart	Lambertson	Ramspeck
Burnham	Gehrmann	Lanham	Randolph
Cannon, Mo.	Gifford	Lea, Calif.	Reed, Ill.
Carlson	Gilchrist	Lehlbach	Reed, N. Y.
Carter	Glede	Lemke	Reilly
Cary	Gingery	Lloyd	Rich
Cavichia	Goodwin	Luckey	Richards
Celler	Granfield	McAndrews	Richardson
Chandler	Greenway	McClellan	Robertson
Chapman	Greenwood	McCormack	Robinson, Utah
Christianson	Gregory	McGehee	Robson, Ky.
Church	Guyer	McGroarty	Rogers, Mass.
Claiborne	Haines	McLaughlin	Rogers, Okla.
Clark, N. C.	Halleck	McLeod	Romjue
Cole, N. Y.	Hamlin	Maas	Ryan
Cooley	Hancock, N. Y.	Mahon	Sanders, La.
Crawford	Hancock, N. C.	Mansfield	Sandlin
Culkin	Harlan	Mapes	Sauthoff
Daly	Healey	Marcantonio	Schneider
Darden	Hess	Marshall	Schuetz
Darrow	Higgins, Conn.	Martin, Colo.	Scrugham
Deen	Hill, Knute	Martin, Mass.	Sears
Dempsey	Hill, Samuel B.	Mason	Secrest
Dietrich	Hobbs	Merritt, Conn.	Seger

Sisson  
Smith, Va.  
Smith, Wash.  
Smith, W. Va.  
Snell  
Somers, N. Y.  
Spence  
Stack  
Starnes  
Stefan  
Stewart  
Stubbs  
Summers, Tex.

Taber  
Tarver  
Thomason  
Thompson  
Thurston  
Tinkham  
Tobey  
Tolan  
Treadway  
Turpin  
Umstead  
Utterback  
Vinson, Ga.

Vinson, Ky.  
Wadsworth  
Wallgren  
Walter  
Warren  
Wearin  
Weaver  
Welch  
Werner  
West  
White  
Wigglesworth  
Wilcox

Williams  
Wilson, La.  
Wilson, Pa.  
Wolcott  
Wolfenden  
Wolverton  
Wood  
Woodruff  
Woodrum  
Young  
Zimmerman

ANSWERED "PRESENT"—1

Lewis, Md.

NOT VOTING—91

Amle	Dear	Hildebrandt	O'Neal
Arends	DeRouen	Hill, Ala.	Perkins
Bankhead	Dies	Igoe	Peyser
Barden	Dockweiler	Johnson, Okla.	Pfeiffer
Berlin	Dorsey	Johnson, W. Va.	Plumley
Boylan	Doutrich	Kennedy, Md.	Ransley
Brennan	Dunn, Miss.	Kennedy, N. Y.	Rayburn
Buckley, N. Y.	Eagle	Kleberg	Reece
Burch	Ekwall	Kvale	Rogers, N. H.
Carden	Evans	Lamneck	Sabath
Carmichael	Flannagan	Lee, Okla.	Schaefer
Cartwright	Frey	Lord	Shannon
Casey	Gambrill	Lucas	Short
Castellow	Gasque	Lundeen	Smith, Conn.
Clark, Idaho	Gassaway	McLean	Snyder
Cochran	Gavagan	McSwain	Steagall
Collins	Gillette	Maverick	Taylor, Tenn.
Connery	Goldsborough	May	Thom
Cooper, Ohio	Gray, Pa.	Meeks	Thomas
Corning	Gwynne	Monaghan	Turner
Cravens	Harter	Norton	Underwood
Crosser, Ohio	Hartley	Oliver	Withrow
Crowther	Hennings	O'Malley	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Cochran with Mr. Thomas.  
Mr. Thom with Mr. Lord.  
Mr. Kleberg with Mr. Doutrich.  
Mr. Flannagan with Mr. Arends.  
Mr. Eagle with Mr. Cooper of Ohio.  
Mr. Dies with Mr. Perkins.  
Mr. Crosser of Ohio with Mr. Short.  
Mr. Oliver with Mr. Withrow.  
Mrs. Norton with Mr. Taylor of Tennessee.  
Mr. Bankhead with Mr. Ransley.  
Mr. McSwain with Mr. Ekwall.  
Mr. May with Mr. Plumley.  
Mr. Rayburn with Mr. Reece.  
Mr. Sabath with Mr. Amle.  
Mr. Steagall with Mr. McLean.  
Mr. Hill of Alabama with Mr. Crowther.  
Mr. Dear with Mr. Gwynne.  
Mr. Cravens with Mr. Collins.  
Mr. Boylan with Mr. Hartley.  
Mr. Lucas with Mr. Kvale.  
Mr. Hennings with Mr. Lundeen.  
Mr. Gasque with Mr. Gray of Pennsylvania.  
Mr. Turner with Mr. Igoe.  
Mr. Kennedy of New York with Mr. Kennedy of Maryland.  
Mr. Underwood with Mr. Johnson of West Virginia.  
Mr. Gillette with Mr. Snyder.  
Mr. Johnson of Oklahoma with Mr. Casey.  
Mr. Smith of Connecticut with Mr. Frey.  
Mr. Gavagan with Mr. Gassaway.  
Mr. Schaefer with Mr. Evans.  
Mr. Gambrill with Mr. Pfeiffer.  
Mr. DeRouen with Mr. O'Malley.  
Mr. Dorsey with Mr. Dockweiler.  
Mr. Monaghan with Mr. Corning.  
Mr. Clark of Idaho with Mr. Dunn of Mississippi.  
Mr. Barden with Mr. Massingale.  
Mr. Lamneck with Mr. Berlin.  
Mr. Cartwright with Mr. Brennan.  
Mr. Connery with Mr. Carden.  
Mr. Burch with Mr. Buckley of New York.  
Mr. Castellow with Mr. Peyser.

Mr. WOLCOTT and Mr. GREENWOOD changed their vote from "yea" to "nay."

Mr. DELANEY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded. The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The doors were opened.

Mr. TAYLOR of Colorado. Mr. Speaker, I desire to announce that the members of the Committee on Military Affairs are absent because the committee is in session. The members of the committee asked that this fact be noted.

## BATTLE OF ACKIA, MISSISSIPPI

The Clerk called the next bill, H. R. 3003, to provide for the commemoration of the two hundredth anniversary of the Battle of Ackia, Miss., and the establishment of the Ackia Battleground National Monument, and for other purposes.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I wish to verify a conversation I had with the author of the bill to the effect that the amount of the bill is to be reduced from \$25,000 to \$15,000 and that an amendment accomplishing this result will be offered.

Mr. RANKIN. Yes.

Mr. JENKINS of Ohio. Mr. Speaker, I withdraw my reservation of objection.

Mr. YOUNG. Mr. Speaker, I object.

Mr. RANKIN. Mr. Speaker, has the gentleman read the bill?

Mr. YOUNG. Yes, Mr. Speaker; I have read the bill and I have also read the report wherein it says Ackia has been referred to as one of the decisive battles of the world.

Instead of appropriating \$15,000 for the commemoration of this battle by making it a national monument, I think it would be more appropriate to use the \$15,000 for the compensation of those who had the temerity to write a report so characterizing a little battle where approximately 500 men fought the Chickasaw Indians.

Mr. RANKIN. Mr. Speaker, will the gentleman withhold his objection?

Mr. YOUNG. Yes; I will withhold it and permit the gentleman to make an explanation, but I shall press my objection eventually.

Mr. RANKIN. I understand that.

Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I hope the gentleman from Ohio will not object. This is an important measure, and it has the approval of the departments and of the Bureau of the Budget.

In 1736, just before the French-Indian War, the French Crown conceived the idea of uniting the French colonies in Canada, Indiana, and Louisiana and taking possession of the entire western half of this continent. In order to do this they had either to placate or subdue all the intervening Indian tribes.

They succeeded with all except the Chickasaws. The Chickasaws had fought De Soto at practically this very point almost 200 years before. They had become the friends of the English-speaking white men, and to this day no Chickasaw Indian has ever shed the blood of an English-speaking white man, except when they were fighting on our side against Great Britain in the War of 1812.

Bienville, then Governor of the Louisiana Territory, gathered his army together and moved up the Tombigbee River to what is now Cotton Gin Port. He had another expedition come down under D'Artaguet, accompanied by Vincennes, after whom the town of Vincennes, Ind., was named. The Chickasaws met D'Artaguet and his expedition on May 20, 1736, a few days before Bienville arrived, engaged them in battle, and destroyed the expedition, killing both D'Artaguet and Vincennes.

On the 26th day of May 1736 Bienville engaged the Chickasaws in the Battle of Ackia. The French have claimed that there was an English flag inside that fort. Be that as it may, the Indians defeated the French, drove them back, and broke up forever and eternally the French attempt to consolidate their colonies and take possession of the western half of this country.

Mr. YOUNG. Mr. Speaker, will the gentleman yield for a question?

Mr. RANKIN. Yes.

Mr. YOUNG. May I ask my friend and colleague from Mississippi whether the State of Mississippi has ever appropriated any money to commemorate this decisive battle?

Mr. RANKIN. No; the State of Mississippi has not. This battle was fought nearly 100 years before Mississippi became a State. For the gentleman from Ohio to get up here and refer to this battle, which I submit settled the destiny of more territory than probably any other battle ever fought on American soil, with the possible exception of Gettysburg and probably Bunker Hill, certainly manifests a lack of information on this proposition. Read the histories of the world, the histories written by men who have studied this question, and the gentleman will find that this is regarded as one of the outstanding achievements of the world, so far as settling the destiny of territory is concerned.

Mr. YOUNG. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I certainly will.

Mr. YOUNG. Does the gentleman from Mississippi seriously state today that the Battle of Ackia is one of the decisive battles of the world?

Mr. RANKIN. Why, certainly. The Battle of Ackia probably decided the destiny of more territory than any other battle ever fought on American soil, with the probable exception of the battles of Gettysburg and Bunker Hill.

We are asking for this small measure of recognition of the Chickasaw Indians, who fought our battles in those far-off years and who have proved themselves to be the best friends the white people of this country have ever had.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert the committee report at this point.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

In order that the Congress and the country may understand just what is involved, I insert here the following report of the Committee on Public Lands, which includes a report made by the War Department a few years ago:

## REPORT

The Committee on the Public Lands, to whom was referred the bill (H. R. 3003) to provide for the commemoration of the two hundredth anniversary of the Battle of Ackia, Miss., and the establishment of the Ackia Battleground National Monument, after careful consideration of same, report favorably thereon with the recommendation that the bill do pass the House without amendment.

A similar bill (H. R. 8718) was reported from this committee during the second session of the Seventy-third Congress.

H. R. 8718, second session, Seventy-third Congress, was approved by the Department of the Interior and also by the Director of the Budget. The original bill asked for \$100,000, but at the request of the Bureau of the Budget it was reduced to \$25,000, and the present bill (H. R. 3003), on which this report is made, appropriates \$25,000.

History of this legislation, H. R. 3003, is as follows:

The War Department, in 1930, also recommended the passage of a bill to erect a monument on this battlefield, and it was included in a bill reported from the Committee on Military Affairs but which never came to a vote for passage. Later these battlefield parks and monuments were placed under the jurisdiction of the Department of the Interior. This measure was carefully investigated, and the bill was reported and recommended for passage in its amended form. The bill provides for the commemoration in May 1936 of the two hundredth anniversary of the Battle of Ackia.

Ackia has been referred to as one of the decisive battles of the world. It is certainly one of the most important ever fought on American soil prior to American independence. Early in the second quarter of the eighteenth century, about 1730, the French Crown conceived the idea of connecting her colonies in Canada, Indiana, and Louisiana and taking possession of all the land on this continent west of the connecting line. In order to do so it was necessary to either pacify or subdue all the Indian tribes between those settlements.

They succeeded in pacifying all the Indian tribes except the Chickasaws, who occupied the territory now comprising northern Mississippi, northwest Alabama, and southern Tennessee. The Chickasaws were perhaps the most enlightened of all the American tribes. They had progressed in government, morals, and in influence to an amazing degree. They occupied a fertile area, and their abundant crops of Indian corn were known for hundreds of miles around even as early as the expeditions of De Soto, who spent the winters of 1540 and 1541 in their territory.

Trouble had arisen between the French in southern Mississippi and Louisiana and the Natchez Indians, which resulted in the Natchez Tribe leaving their territory and making their homes with the Chickasaws. The French gave as one of their reasons for invading the Chickasaws' territory that of punishing the Natchez Indians for former depredations.



Having succeeded in pacifying all the Indian tribes between their various colonies except the Chickasaws, an expedition from Fort Vincennes, now in the State of Indiana, was sent out under the leadership of D'Artaguet, Lieutenant Governor of the Mississippi Territory, accompanied by Vincennes, to descend the Mississippi River and debark at a point opposite the Chickasaws' territory and proceed overland to Ackia, Chickasaws' capital, and there join the forces of Bienville for the attack on the Chickasaws.

Bienville, the Governor of the Mississippi Territory, with a large expedition ascended the Tombigbee River to what was later known as "Cotton Gin Port", where he debarked and marched against Ackia. The Chickasaws met D'Artaguet and his expedition a few days before Bienville arrived, engaged them in battle and overcame and destroyed the expedition, killing both D'Artaguet and Vincennes.

On the 26th of May 1736, Bienville engaged the Chickasaws in the Battle of Ackia. The battle raged all day long and finally resulted in a victory for the Chickasaws. Bienville retreated and abandoned the expedition. This ended the attempt of the French to connect their colonies and take possession of the western half of this continent.

Bienville, in his report on the battle, said there was an English flag inside the fort and strictly intimates, if he does not say, that the English were aiding the Indians in the fight. Whether that is true or not, we do know that the Chickasaws never shed the blood of English-speaking white men. They remained true and loyal to the Americans after the Revolution. In 1815 they opened up their territory for the passage of Jackson's army to New Orleans and many of their brave men joined the American colors and followed Jackson until the close of the war. When the time came for the United States to take over their territory they submitted to the will of the "Great White Father" in Washington, relinquished their territory, and moved away to their new home in the West.

Bienville, probably the greatest colonizer ever sent from the Old World to the New, remained Governor of the Louisiana-Mississippi Territory until his struggling colony was well established and on its way toward prosperity and independence.

It is proposed to make this marker a monument to the valor of both the Chickasaws and the French, as was done in honoring Wolfe and Montcalm in the erection of a monument to them on the Plains of Abraham.

When this matter was brought before the Military Affairs Committee, the War Department sent Lt. Col. H. L. Landers to investigate the history of this battlefield and make a report. He did so, and we insert at this point that part of his report which relates to the Battle of Ackia.

#### "HISTORY OF THE CAMPAIGN OF THE FRENCH AGAINST THE CHICKASAWS IN 1736"

"The progress of civilization in the valley of the Mississippi blossomed into a magnificent growth during the first half of the eighteenth century, under the leadership of two notable sons of Charles Le Moyne, one of the grand seigniors of La Nouvelle France, that vast domain which encompassed all the lands that drain into the St. Lawrence. The names of Pierre Le Moyne, Sieur de Iberville, and Jean Baptiste Le Moyne, Sieur de Bienville, bring to mind an empire in the Mississippi Valley of such grandeur that its superiority in magnitude and wealth stands unchallenged in our country. To follow the footsteps of these versatile adventures, explorers, legislators, and administrators from their home in Montreal through New France and later into the basin of the great river is to engage in a venture fraught with the heroic lust of conquest and the patriotic desire to promote the political and commercial interests of one's own government. For more than 40 years did one member of this family fight, conquer, govern, and build; and no name in the early history of our country is more widely and everlastingly wrought into its soil than is that of Bienville. From Fort Toulouse to Fort Tombecbe in Alabama, thence down to the settlements established at Mobile, Biloxi, New Orleans, Natchez, and Natchitoches, the fame of this soldier of fortune and crusader for France warms the heart with pride that it was such men as he who created this Nation.

"The prize of empire in America was eagerly sought by three great countries of Europe, and their many wars at home were reflected and reenacted in the new America. There was almost perpetual strife and conflict in some portions of the wide and deep savannas and broad forests stretching from the Floridas to Texas, for it was in this region that the overseas possessions of England, France, and Spain met or overlapped. Warfare made up in bitterness and sanguinarity what it lacked in numbers of white troops engaged. Alliances, more frequently unholy than holy, were made with the aboriginal occupants of the soil, for without the accretion of such allies an army of inferior strength would suffer defeat. Slaves were armed, and these black warriors occasionally gave feeble aid in the contest. They did learn the lust of slaughter, which sometimes was directed in wild outbreaks against their masters.

"The prosperity of the transplanted colonists depended upon food and trade. Those nearest the frontiers of the red man found their existence interwoven with his. Close trade relations were followed by close alliances for war. Additional strength in war was sought from the red man, later to be dispossessed of his heritage by his white ally. Indeed, this dependence upon the Indians reached a most unfortunate climax during the second war with Great Britain, when Tecumseh and the Prophet were used by that nation to build a barrier of carnage against the United States from the Lakes to the Gulf.

"Nature endowed the Indian with many noble qualities. In their own environments, before the coming of the whites, the human equation of races and individuals made some Indians better, some worse. With the coming of pale-faced peoples from Europe, the simple minds of these forest-and-stream people were subjected to strains, the results of which were evident in their increased savagery, while the causations remained obscure. Difficult enough the problem would have been had but one nation of whites imposed its civilization, business ethics, morality, and religion upon the red nations, but these difficulties were intensified many times when three European nations sought to dominate the same, or contiguous, nations of aborigines.

"The simple mind of the red man was observant of more than it could understand. He learned the artifices of diplomacy, suspicion, broken promises, and treachery. His mind could not cleave a way through the maze set up by conflicting demands of nations of whites, each bidding, in deadly rivalry with the others, for his temporary friendship and alliance. He had not the mental faculty to judge which group of whites offered the most favorable proposition, nor the capacity to choose it had he known. He could not understand, and soon his lack of comprehension led him to distrust, to become vengeful; then his latent qualities for violence led him into orgies of slaughter to sicken the world. The Indian, in war, was actuated by emotional violence to commit deeds of barbarity that were repugnant to the civilized mind. It is true that the whites, in retaliation, sometimes committed equally diabolical acts, with the result that the history of Indian warfare in our country is a motley picture of heroism and savagery, wanton cruelty with but rare compassion for the wounded, a lust to kill that not only exterminates life, but horribly mutilates the body from which the soul has fled.

#### "FRENCH SETTLEMENTS IN AMERICA"

"The discoveries made by Columbus in the New World became known throughout Europe during the last years of the fifteenth century, and within a brief period thereafter the eastern coast line of the new continent, from far north down to the Equator, was explored by the hardy adventurers of England and Spain. The participation of the French Government in the partition of this new empire was belated, restricting its activities, when it did seek some of this territory, to the far north, where its settlements along the St. Lawrence River and in Acadia, in the seventeenth century, were given the name La Nouvelle France. New France acquired a population of 25,000 inhabitants before La Louisiana, the name applied to the vast empire drained by the Mississippi, had begun to outgrow the tribulations attendant upon the establishment of new settlements. In 1539 the Spaniard, De Soto, began a tour of exploration that lasted 3 years, which for venturesome hardihood stands unrivaled in the history of America. Landing at Tampa Bay at the head of a large army, he wintered in 1539-40 at Apalachen. In the spring he started on his great voyage of discovery, passing from Florida to the Carolinas by way of the Savannah River, thence back to the Mobile River where he ruthlessly killed thousands of the aboriginal inhabitants at Mauvilia, and from there across the Mississippi into Arkansas and Oklahoma, thence back to the Mississippi where in 1542 he died. For more than a century following the explorations of De Soto no serious attempt was made to investigate the middle and upper portions of the Mississippi Valley until Frontenac, Governor of New France, in 1673 sent the trader Joliet and the missionary Marquette westward to the headwaters of the Mississippi to explore its course and outlet. These voyagers descended this stream to the mouth of the Arkansas, but feared to continue further lest they fall into the hands of the Spaniards. Nine years later, in 1682, La Salle crossed from the St. Lawrence to the Mississippi and descended that river to its mouth. In 1687 he lost his life in an attempt to plant a French colony on its borders.

"During the war of the Palatinate, Louis XIV showed little desire to develop La Salle's scheme to plant a colony near the mouth of the Mississippi, but after the treaty of Ryswick was signed in 1697, the French Government determined to send an expedition to the Gulf of Mexico to forestall the English, who were reported about to take possession of the mouth of that river. The command of this expedition was entrusted to Iberville, who had already established his fame as a military leader of great energy. In January of 1699, Iberville's fleet appeared before the harbor of Pensacola, which had been fortified by Spain a few months previous, and demanded admission. The request was refused and the expedition proceeded to what is now Dauphin Island, at the mouth of Mobile Bay, where it tarried a short time. From thence the voyagers continued their way westward, exploring the outlets and main body of the Mississippi, and finally turning back to a bay on the eastern extremity of which a settlement was established and named Biloxi, from the Indians dwelling nearby.

#### "THE BEGINNING OF THE PROVINCE OF LOUISIANA"

"It was the intention of Iberville to fix the principal establishment of the colony at this point, and a fort with four bastions was completed in May of the same year. The armament of the fort, when the census of 1704 was taken, consisted of 16 iron cannon of 12 and 8 pounds caliber. With the completion of the fort, Iberville returned to France, leaving Sauvole and Bienville, the latter 19 years of age, in charge of the colony.

"Upon Iberville's return to the Province in January 1700 he brought a commission appointing Sauvole governor of the colony. Early that year Iberville ascended the Mississippi as far as the Natchez settlement, and there decided upon a location which he viewed as most suitable for the capital of the new Province. He selected a site for a town, to which he gave the name of La Ville



de Rosalie aux Natchez, and then returned to the fort at Biloxi. Iberville once more returned to France, toward the last of May 1700, leaving Sauvole to govern the Province, assisted by Bienville. Sauvole fell a victim to an epidemic of fever on August 21, 1701, and Bienville took control of the colony as acting governor, removing from a fort in the Mississippi which he had occupied to the capital at Biloxi. Parties of the Choctaw and Mobile Indians came to visit him a few days after his arrival, their object being to solicit his aid against the Chickasaws. Bienville considered his colony too weak to become embroiled in the quarrels of the Indian tribes nearby and declined to form an alliance, but instead sent an officer and a few Canadians to afford the Choctaws his good offices as mediator.

"In December of 1701 Iberville arrived with supplies and reinforcements of troops and, in pursuance of the king's instructions, moved the headquarters of the colony to the western bank of the Mobile River the following year, making settlements near the present city of Mobile and on Dauphin Island. Later, in the same year, Iberville again returned to France with the fleet, leaving Bienville in control of the Province as governor.

"The situation which arose in Europe following the death, in 1700, of Charles II of Spain, without issue, resulted in another period of prolonged hostilities, which became known as the "War of the Spanish Succession" (1703-13). The war areas in America were much more extensive than were those in Europe, despite the fact that most of the European nations were embroiled. In the southern part of America, the West Indies, the frontiers of the Carolinas, Florida, and Louisiana, and in the northern part the New England border, Acadia, Newfoundland, and Hudson Bay were the scenes of conflict. The English in the Carolinas sent emissaries to prevail upon the Chickasaws to send war chiefs among the Indians in the vicinity of the French settlements on the Gulf, to induce them to form an alliance with England. The English commandant of the fort at Albany prevailed upon the Iroquois to attack the frontier settlers in Canada. The historian Martin says, referring to one of the phases of the prolonged Indian warfare which ensued, "The Choctaws had scarcely returned home when their country was invaded by 2,000 Cherokees, commanded by an English officer from Carolina. Several of their villages were destroyed and 300 of their women and children led away into slavery."

"The success of the settlement attempted in Louisiana not having answered the hopes of the court of France, it was determined to make a considerable change in the government of the colony. Iberville fell a victim to yellow fever and died at Habana July 9, 1706, and De Muys, an officer who had served with distinction in Canada, was appointed Governor of Louisiana. The death of this official occurred during the passage to his new station. About this time Diron D'Artaguet was sent to the Province as commissary general, with instructions to inquire into the conduct of the former administrators of the colony, and to make such changes as he deemed advisable. As the settlement near the fort on the Mobile suffered from the overflow of that river, he ordered this place to be abandoned and a new fort built.

#### "LOUISIANA TURNED OVER TO ANTOINE CROZAT

"D'Artaguet returned to France in 1711, convinced that the slow progress of the colony could not be accelerated by Bienville with the feeble means at his command. Food supplies failed to mature, especially wheat, the raising of which was attempted a number of years. Women to make homes in this pioneer country were few in number. Many of the French soldiers and of the voyagers from Canada allied themselves with the Indian women and lost much of their natural ambition. Year after year famine stalked the colony and disease took toll of its numbers, until finally the King decided to rid himself of the tax on his purse of maintaining this puny offspring of the state. Accordingly, the Crown granted a charter dated September 14, 1712, to Antoine Crozat, a merchant, giving him the exclusive right to engage in commerce in the Province for a term of 15 years. At this period there were, in Louisiana, 2 companies of infantry of 50 men each, and 75 Canadian volunteers in the King's pay. The rest of the population consisted of 28 families and 20 Negroes. These, with the King's officers and clergy, made an aggregate of about 380 persons. This small number of individuals was dispersed throughout a vast extent of territory, divided by the sea, by lakes, and by wide rivers. Five forts had been erected for their protection—at Mobile, Dauphine Island, Biloxi, Ship Island, and in the Mississippi. The population of La Nouvelle France and Acadia reached 25,000 at this time.

"The ship carrying Crozat and Duclos, the new commissary general, arrived at Habana, in May 1713, and on the 5th of the following month anchored at Port Dauphine. A third person of importance was aboard, Antoine de la Mothe Cadillac, who had been notified several years previous of his appointment as Governor of this Province, and only now succeeded in joining. This latter officer had served with distinction in Canada, having established the post of Detroit in 1701, which he commanded for 3 years. His arrival, in company with the owner of the concessions and his chief business investigator, was at an unfortunate time. In the previous year the harvest of corn and other grains failed throughout the Province, and Bienville had been obliged to send the entire garrison into the woods 30 leagues to seek a living among the Indians by hunting.

"After surveying conditions in the colony for 4 months, Duclos wrote from Fort Louis on October 9 to Pontchartrain, Minister of Marine and Colonies, declaring 'that the country is not now sufficiently populated or considerable enough, since there are now not more than 35, both at Fort Louis and on Dauphine Island, to

need a governor.' 'So I think,' he continued, 'that a commandant would be sufficient here. M. Bienville, the King's lieutenant, who has been commandant here for a long time, has all the qualities and all the knowledge necessary for him to be continued in this post. He possesses more than any other person in the world the art of governing the Indians and doing what he wishes with them by means of the long acquaintance that he has with them, and because of the fact that he understands and speaks their language perfectly.' This tribute to Bienville was deserved at the time, and as additional decades passed his value to the province increased to an immeasurable degree. His method of handling the Indians was practical and efficient. He first applied himself to becoming acquainted with the most powerful Indian nations and the ones that could be the most useful, or do the greatest harm to the colony. He took care to send young men to them to learn their language and to inform him of every happening. He endeavored to satisfy their warlike cravings by encouraging embroilments between his nearby allies and the more distant hostile tribes. His payments for services rendered by his allies were in keeping with his promises.

"When peace was concluded in 1713 by the treaty of Utrecht, the British in Carolina became energetic in extending their trade among the Indian nations on their frontiers. The Choctaws, whose towns were near Mobile, were generally favorably disposed to their neighbors, the French. North of the Choctaws were the Chickasaws, whose towns were on the ridges dividing the waters of the Tombigbee from those of the Tallahatchie. This tribe was closely allied with the Cherokees, and both came under the influence of British traders from the Carolinas, who passed through the lands of the Alibamons to reach the Chickasaws. These traders erected storehouses as far as the Natchez and Yazous. The Chickasaws from time to time made treaties with the French, but none of any endurance. They seemed better satisfied with the terms which they made with the English settlers.

"In execution of the King's order Bienville, in 1714, assumed command of all the establishments on the Mississippi and the rivers flowing into it. As yet there was but one small fort on the Mississippi, located not far from the sea. He was instructed to erect two others, one among the Natchez and the other on the Wabash. The connection of Louisiana with Canada was a favorite project at court, and it had been very strongly recommended to both colonial governments. In execution of this purpose Bienville ascended the Mississippi to confer with the Natchez Indians, and in June 1714 a fort was built on the spot which Iberville had chosen for a town, and named Fort Rosalie. In the same year Fort Toulouse was built in the country of the upper Creeks, near the confluence of the Coosa and Tallapoosa Rivers, and a depot established where furs were bought from the Indians and floated down the Alabama River to Mobile.

"De L'Epinay was appointed Governor of the Province on March 3, 1716, to succeed Cadillac, and served for a period of about 11 months. He arrived in Mobile Bay on March 9, 1717, accompanied by M. Hubert, the new commissary general. De L'Epinay soon became engaged in dissensions with Bienville, just as Cadillac had done before him, both being jealous of the superior position held by Bienville in the affections of the settlers and Indians. After about 5 years of operation Crozat, disappointed in the expectations he had entertained, surrendered his charter to the King on the 23d day of August 1717. In referring to this period in the life of the struggling settlements, Martin says that neither the commerce nor agriculture of the colony was increased. The troops sent out by the King and the colonists who came from France did not swell its population to more than 700 persons.

#### "THE WESTERN CO. ACQUIRES CONTROL OF LOUISIANA

"A few days after the Crown accepted the surrender of Crozat's charter a new corporation, styled the "Western Co.", controlled largely by John Law, succeeded to its privileges. This company was granted the exclusive commerce of Louisiana for 25 years. On February 9, 1718, three vessels of the Western Co. arrived at Dauphine Island, bringing orders for the recall of De L'Epinay and the appointment of Bienville to succeed him. It was with heartfelt satisfaction that the troops and settlers saw the chief command of Louisiana once more restored to their well-beloved chief, who, after almost 20 years spent in the colony, knew more of its wants and resources than did any other individual. In 1718 Bienville visited the banks of the Mississippi to select a spot for the principal settlement of the Province, and the site on which New Orleans now stands was designated. He continued as Governor for 8 years, when in 1726 he was again replaced, this time by Perier, sent over from France by the company.

"The Western Co. was no more successful in developing the colony as a speculative enterprise than Crozat had been. Heavy financial losses were suffered, and the scandals and hardships which followed upon the failure of Law's bank brought the enterprise to a ruinous termination. Added to the financial burdens was the constant menace of hostile Indians and the terrible inroads they made upon the population. One of their most diabolical orgies of slaughter occurred on the 28th of November 1729, when the Natchez Indians, under pretext of trade and friendly greetings with the settlers who had established a town in their midst, drew their knives and guns upon an unsuspecting populace and massacred 138 men, 35 women, and 56 children. A large number of women, children, and blacks were carried off into slavery. In retaliation for this barbarous act French troops drove the Natchez from their country. Some found shelter west of the Mississippi, while others sought refuge with the Chickasaws. The charter of the trading company was returned to the King in 1732.



Its further prolongation seemed to offer no hope for success in consummating the company's plans. Perier proved a feeble administrator in dealing with the Choctaw and Natchez Indians, and they were constantly breaking promises and engaging in hostile acts. During the 14 years that the Western Co. controlled the Province of Louisiana the white population increased from 700 to upward of 6,000, and the blacks from 20 to 2,000.

"THE KING AND BIENVILLE AGAIN IN CONTROL

"The sadly harassed settlers and garrisons welcomed once more their tried and able leader when again, in 1733, the governorship was restored to his hands. He found so much hostility on the part of some of the Indians that drastic action was necessary. The Chickasaws belonged entirely to the English and the Choctaws were fast drifting the same way. The Natchez, who had found refuge among the Chickasaws, now resumed their predatory warfare on the distant settlements of the colony, and together with the Chickasaws greatly obstructed communication by the Mississippi to the Illinois, the Wabash, and to Canada. As the Province could enjoy no tranquillity as long as these outrages went unchallenged, Bienville sent an officer to the principal village of the Chickasaws to demand the surrender of the domiciled Natchez to the French Government. This emissary was informed that the Natchez could not be given up, as they had been received by the Chickasaws and now formed a part of that nation. When Bienville learned of the attitude of the Chickasaw Nation, he decided that it was time to punish the Natchez and to make the Chickasaws understand that they could no longer obstruct the free passage of the French from the mouth of the Mississippi to the Great Lakes.

"To insure the success of any campaign conducted against the Chickasaws, it was necessary to have the Choctaws as allies, as the total strength of the French troops in the Province was only 13 companies of from 35 to 40 men each. Of these, 3 companies were at the Illinois, 1 at Natchez, 1 at Natchitoches, 4 at New Orleans, 1 at the mouth of the Mississippi, and 3 at Mobile, from which was sent a detachment of 30 men to the Alibamons at Fort Toulouse. Only recently four English traders had been introduced into the nation by two chiefs of prominence, Red Shoe and Alibamon Mingo, either of whom would sell his warriors to English or French, dependent upon which paid last. The great chief of the Choctaws did not countenance these dishonorable practices on the part of his underlings, but both Red Shoe and Alibamon Mingo had too strong a following for the great chief to attempt forceful measures in dealing with them. In writing to the ministry on February 10, 1736, Bienville said that all his letters to the Government about the Choctaw Nation for 2 years "appear so full of contradictions that when one compares the different plans that I have set forth in them either to terminate the war with the Chickasaws or to frustrate the measures that the English are taking to win over our nations, one might with some appearance of reason charge me with instability or with irresolution." The difficulty was far less attributable to Bienville than to the wily cunning and treachery of many of the chiefs of the Choctaws.

"All these circumstances made Bienville apprehensive lest the Choctaws would in the end succumb to the enticing propositions coming from the English, particularly those under the aggressive leader Oglethorpe of Georgia, and he resolved to march against the Chickasaws as soon as the Tombigbee River, which led to their country, could be navigated. By this route the expedition would arrive within 20 leagues of the Chickasaws without being very much fatigued. In the latter part of 1735 Bienville went to Mobile to perfect his plans and establish his base at that port. He laid his plans before the Choctaw chiefs who came to see him in Mobile, and when they promised to support him in this expedition he dispatched a pirogue in the month of December to Pierre D'Artaguet at Fort Chartres, directing him to assemble all the forces of the Illinois and lead them against the Chickasaws at the end of the following March. D'Artaguet was ordered to reach the Prud'homme Bluffs on the 10th or 15th of March. At the same time it was determined to proceed with the establishment of an intermediate base in the land of the Tuscaloosas, a project which Bienville had given thought to for some time, and Captain De Lusser was sent with men and supplies to organize this depot.

"Bienville returned to New Orleans the early part of 1736 to carry forward preparations for the campaign. Before leaving Mobile he had decided that it would be necessary to postpone navigation of the Mobile and Tombigbee Rivers from February to April, before which date there would not be sufficient high water to insure navigation of the streams. Immediately on his return to New Orleans, therefore, he dispatched a second courier to D'Artaguet to order him to delay his departure from the Illinois until the end of April. The only information Bienville possessed of the situation of the enemy which he proposed to attack was that the Chickasaws were located in a rather large plain, divided into seven villages, of which five had a stockade fort and all had several fortified cabins. The Natchez lived in two small villages, of which the smaller had no fort and was in the middle of the plain, and the other, which had a good fort, was at one extremity of the eastern side.

"Preparations went on apace both at Mobile and New Orleans to make ready the boats, wagons, provisions, and guns necessary for a campaign covering so much ground; and Bienville found the days slipping by far too rapidly, for, should additional delay occur in the execution of his plans, the upper reaches of the Tombigbee would not be navigable. Under the most favorable circumstances the scheme of operations was a bold one, involving the passage of

D'Artaguet's force over 450 miles of river and land and Bienville's over 540 miles, with no intercommunication between the two parties.

"Bienville withdrew from the garrisons of the Natchez, Natchitoches, and the Balise all the officers and soldiers that could be spared without stripping these posts too much. He formed a company of volunteers of young men and voyagers who were then at New Orleans and another company of militia from the citizens who were not married and had them set out for Mobile. He likewise made the troops leave for the same destination as fast as the boats were ready, and finally, on the 4th day of March, he himself left New Orleans for Mobile, leaving behind four French companies which he ordered De Noyan to lead to Mobile as soon as the rest of the boats were ready. These troops met adverse winds, and it was not until the 22d of the month that they reached Mobile. A large force of bakers was dispatched through the Choctaw country to the new fort named Tombecbee, which De Lusser was then engaged in building on the west bank of the Tombigbee River, about a half mile north of the present village of Epes. This was not the site originally proposed by Bienville for the establishment of an advanced depot, but was 15 leagues farther upstream. The new position lay between the two roads which the English took to go to the Choctaw villages, at a distance of 1 day's journey from the easternmost villages.

"The army which accompanied Bienville on this campaign consisted of a company of grenadiers made up of 45 French and Swiss, 8 companies of French troops, each having a strength of 30 or 31 men, a Swiss company of 130, a company of militia from New Orleans 45 strong, and another of 40 men from Mobile, and a company of 42 volunteers and voyagers, the total being 544 men exclusive of officers. They left Mobile on the 1st of April, covering the 300 miles of winding rivers and arriving at Fort Tombecbee on the 23d of the month. Delay had been occasioned by the unexpected current in the rivers and continual rains. While waiting for the Choctaw chiefs who were to join him at Tombecbee, Bienville selected a garrison to be left at the post, organized a company of grenadiers, and formed a company of 45 armed Negroes to which he assigned free Negroes as officers. On the evening of the 26th of April the first Choctaw chiefs arrived, Alibamon Mingo being one of the number. When Bienville received these chiefs the following morning they all began their speeches with great protestations of attachment to the French and finished by asking for the ammunition, vermilion, and provisions which they claimed to have been promised them. Bienville replied that powder, bullets, and vermilion would be supplied, but that he had warned them, when first he spoke of going to war, that they would have to bring their own provisions, as he could carry only sufficient for the French.

"On the 28th of April the great chief of the Choctaws appeared with several others, among whom was Red Shoe, and the former spoke in the same terms of affection as had those who preceded him. Bienville knew, however, that after his departure from New Orleans, Red Shoe had burned, under the cannon of the fort, the cabins of the Offogoulas who were refugees there, but he preferred to ignore this incident, not judging the time appropriate for reproaching him. At the end of his speech the great chief spoke of the rumor that had circulated in the Choctaw Nation of a pretended French plot to betray them to the Chickasaws. Color was lent to this rumor by the report of scouts who had seen, in the direction of the north, a great French path. Bienville told him of the orders sent to D'Artaguet to descend the Mississippi with the nations of the north and join him in a combined attack on the Chickasaws, and that it was his party which had made this great path. It was apparent that D'Artaguet had not received the second messenger sent to delay his march. The great chief seemed reassured by this explanation, and when he asked for provisions Bienville gave him the same reply that he had made to other chiefs the preceding day.

"On the 30th of April Bienville assembled a council of war which condemned to death a sergeant and a soldier of Lusser's company who were guilty of conspiring against the lives of the officers of the post and plotting desertion. The Swiss company also held a council and condemned two of their soldiers who were accomplices of the sergeant. By the 1st of May all the Choctaw chiefs had arrived, and it was agreed that 14 days hence they were to lead their warriors to the Octibia, a little river that formed the frontier between the Choctaw and Chickasaw Nations 40 leagues above Fort Tombecbee. That night nearly all the chiefs set out for their villages. The next day was spent in completing the unloading of the boats, the distribution of provisions, and arranging the many details necessary for the departure.

"On the 3d of May, Bienville left Fort Tombigbee, and making progress more rapidly than he had expected, reached the Octibia on the 14th. Here 2 days were spent drying provisions, and on the 17th word was received that the Choctaws were on their way. In the course of the next few days parties of warriors made their appearance, all of whom had been retarded almost to the point of discouragement by the rains that had fallen for 9 consecutive days. On the 19th Bienville continued his ascent of the Tombigbee, leaving word for all incoming warriors that they were to join the French at the old portage, farther upstream. On the 22d the new portage was reached, beyond which the boats could not pass, and here Bienville disembarked his command and effected a junction with his Indian allies, 9 leagues from the Chickasaw villages.

"On the 23d at daybreak Bienville had a number of posts cut and outlined a small fort which was erected at once for the defense of the boats. A detachment of 20 men was selected from the



several companies to remain as a garrison, together with the guard of the storehouse, the captains of the boats and some who were sick. Here Bienville had time to notice, as he looked at all the Choctaws assembled together, that they had not come in such great numbers as they had said and that there were scarcely more than 600 warriors.

"On the 24th of May the allied forces set out from the portage in afternoon, carrying in the column of troops 12 days' provisions for the French. Two leagues were made before camp was pitched. On the 25th, in a distance of 5 short leagues, the army passed through three deep ravines where there was water waist deep. That night camp was made on the edge of a prairie at 2 leagues from the nearest Chickasaw villages, in a country that Bienville speaks of as the 'most beautiful in the world.'

"Early on the morning of the 26th Bienville set out, and at the first halt the great chief came to ask what village would be attacked first. Bienville replied that he had orders from the king to go first against the Natchez, as they were the authors of the war. The great chief was very desirous of attacking Chukafalaya, as that village would be encountered first on the route of march, and it was the nearest to the Choctaws. It made more trouble than did all the others, and it was there he had lost his son and his uncle. The most important reason of all, however, was that a large supply of provisions would be found there, without which the Choctaws would no longer be able to continue the campaign, having consumed all the food which they brought with them. In spite of the eagerness of other chiefs to support this proposal, Bienville persisted in his determination to go against the Natchez first, and gave his promise that the Natchez once defeated, he would return to attack the town of Chukafalaya. Apparently the Choctaws agreed to this plan, but they deliberately failed to execute it. Their guides conducted the army by a circuitous path through the forest as if to lead it to the great prairie where the main part of the Chickasaw and Natchez villages was, and finally led it to a prairie of approximately a league in circumference, in the middle of which were seen three small villages situated in a triangle on the crest of a hill, at the foot of which ran an almost dry stream. This small prairie was about a league distant from the large one and separated from it by a wood.

"A halt was made at noon during which the chiefs conferred. The Choctaws were determined to attack these villages first; they would not pass them by, and many of the French officers joined with the Choctaws in this demand. Finally Bienville gave a reluctant consent, demanding from the chiefs in return a promise that they would follow him against the Natchez after taking these three villages. At 2 o'clock in the afternoon he gave the command to the assaulting party, under Chevalier de Noyan, to attack. De Noyan's party comprised the company of grenadiers of 50 men, a detachment of 15 men from each of the 8 French companies, 60 Swiss, and 45 men of the volunteers and militia, a total of 275 whites.

"During the halt, which was made at a distance of a good rifle shot from the villages, the Choctaws warned Bienville that aid from the villages of the great prairie had appeared and that there were many warriors. It was seen that some English were present in the three Chickasaw villages, and upon the arrival of the French an English flag had been raised in one of these villages. Bienville directed De Noyan to avoid firing on this village and to give the English therein an opportunity to retire if they wished. He then ordered the first attack to be made on the village opposite to that which showed the English flag.

"When these arrangements had been made, toward 3 o'clock in the afternoon Chevalier de Noyan's command set out with drums beating and flags flying, and reached the hill under the protection of several mantlets, which, unfortunately, were not in use long, because the Negroes who were to carry them to a certain place, having had one of their men killed and another wounded, threw them down and ran away. On entering the village called Ackia, the head of the column and the grenadiers were exposed to the enemy fire and were very badly handled. Chevalier de Contrecoeur and a number of soldiers were killed at this time and many others wounded. However, De Noyan captured and burned the first three fortified cabins and several small ones that defended them, but when the time came to cross from that village to the others, he perceived that he had almost no one with him except the officers of the units at the head of the column, a few grenadiers, and about a dozen volunteers.

"The death of Monsieur de Lusser, as well as the loss of a sergeant of grenadiers and a small part of his men while attempting to cross to another village, caused the troops to become terrified. The soldiers crowded behind the cabins that had been captured and their officers were unable to draw them away. This resulted in the handful of men in the advance being unsupported, and the officers at their head were almost all disabled. The Chevalier de Noyan, M. D'Auville, captain of the grenadiers, the Sieurs de Ville, de Grondel, and de Montbrun were wounded. It was in vain that Chevalier de Noyan, wishing to maintain his ground, sent Sieur de St. Juzan, his adjutant, to rally the panicky soldiers. This officer was killed near them and only succeeded by his death in increasing their terror.

"Finally the wound of De Noyan obliged him to retire behind a cabin. He sent a messenger to Bienville, telling him of the grievous state in which he found himself, and gave warning that if aid were not sent at once or a retreat sounded, the rest of the officers of his detachment would soon meet the fate of those who headed the column. Already 60 or 70 men had been killed or wounded. On receipt of this information, and being able to see to some extent what was going on, Bienville sent M. de Beauchamps with

80 men to cover the retreat and carry away the dead and wounded. When this supporting force arrived at the place of attack scarcely any soldiers were found. The officers, abandoned by their men, still held together at the cabin nearest the fort. De Beauchamps made them retire and the entire party returned to camp in good order, the Chickasaws and English not venturing to come out of the fort to attack. The Choctaws, who up to this time had remained under cover of the slope of the hill, awaiting developments in the fight, now arose and fired some shots. Their losses were 27 men killed or wounded, and this eventually contributed no little to disgust them.

"Bienville, in his report to the King, gave a description of the fortifications prepared by the Chickasaws, under the direction of the English. After having surrounded their cabins with several rows of large piles, they dug out the earth within in order to sink down up to their shoulders, and fire through loopholes which were made almost on a level with the ground. But they had a still greater advantage from the natural situation of their cabins, which were separated from each other and permitted a cross fire on any attacking force. The covering of these cabins was a mortar of earth and wood, proof against fire-arrows and grenades, and of such construction that only a bomb could injure them. As the French had neither cannon nor mortars, and had already suffered material losses, Bienville decided to abandon further operations and withdraw.

"The next morning, May 27, litters were made to carry the wounded, and an hour after noon the French and their allies marched away in two columns, as they had come. The soldiers, fatigued and burdened with their baggage, had great difficulty in carrying the wounded, and when a halt was made at night only a league and a half had been covered. This slow march displeased the Choctaws, and Red Shoe and other chiefs did all in their power to induce their people to abandon the French. Bienville put forth every exertion to break up this plot and persuade the Indians to have some regard for their promises. He urged them not to abandon the people who were their friends and had done so much for them. The reply of the great chief was that the wounded retarded the march too much, upon which Bienville proposed that the wounded be carried by his warriors. After much objection this was agreed to and the column made better progress.

"On the 29th of May the upper portage was reached, from which Bienville had set forth 5 days before. The French reembarked the same day and found the river so low that it was only with the greatest difficulty they were able to proceed downstream. Fort Tombecbee was reached on the 2d of June. Monsieur de Berthet, in command of a garrison of 30 French and 20 Swiss, was left there, with provisions to last a year, and some merchandise to establish a trading post. Bienville left with him plans for a fort, with orders to expedite its construction. On the 3d he departed from Fort Tombecbee, arriving at the Tomes on the 7th, where he learned from an Indian the first news of the disaster which had happened to D'Artaguet. This news was confirmed upon his arrival at Mobile the following day.

"Bienville closed his report with the following comments: 'Monseigneur will have seen by this recital of a campaign the most difficult in the world that in the plan, in the execution, and in the retreat I used all the means imaginable, and he will also have noticed that after having suffered delay in the preparations that I could not have anticipated I could still less foresee the cowardice of the troops that I had under my command. It is true that when one considers the pitiful recruits of blackguards that are sent here one ought never to flatter himself that he can make soldiers of them. The unfortunate thing is to be obliged with such troops to compromise the glory of the nation and to expose officers to the necessity of getting themselves killed or of dishonoring themselves. The recruits who came by the *Gironde* are even worse than the ones preceding them. There are only one or two men more than 5 feet in height. The rest are under 4 feet 10 inches. As to their ideals I can add that of their number of 52 more than half have already passed through the courts for theft. In brief, they are useless mouths living on the provisions of the colony which will derive no service from them. The retreat which I have had carried out without any loss is the only thing with which I am content, since I brought back a good number of honest men who are to be saved for another occasion.'

#### "D'ARTAGUETTE LEADS AN ARMY FROM THE ILLINOIS TO THE CHICKASAW TOWNS

"The orders sent to D'Artaguet by Bienville to join him in the campaign against the Chickasaws directed the former to take what troops he could from his garrison, and gather together the Illinois Indians and the inhabitants of the district. These forces were assembled at Fort Chartres, from which post the expedition departed on the 22d of February. D'Artaguet's command comprised 8 officers and 27 soldiers, 110 militia, 38 Iroquois, 28 Arkansas, 100 Illinois, and 160 Miami, making a total of 145 French and 326 Indians. The officer left in command at the Illinois during D'Artaguet's absence was given orders to assemble a group of 180 Illinois Indians and lead them to Ecors a Prud'homme, where D'Artaguet would wait for them. This place was reached on the 28th of February and a small palisade fort built. A small detachment was left here as guard upon the departure of the army for the Chickasaw country the 5th of the following month.

"When D'Artaguet was about 18 leagues from the Chickasaw village, he sent a reconnoitering group of Indians to learn the position of their forts, the number of their cabins, and whether or not Bienville was in the neighborhood. These scouts reported that they had seen about 15 cabins on a little hill, 5 or 6 on



another, a small fort about 40 feet long by 30 wide, and that they believed there might be 30 to 35 cabins more in that village. There was no indication that the expedition from the south had yet reached the vicinity. A council of war was held with the Indian chiefs, and the Iroquois, who were recognized by the other tribes as the most skillful in the art of war, answered D'Artaquette for all the tribes. 'Since you wish', said the Iroquois chief, 'to know what we think, we will tell it to you. The march which we have just made, having been longer than we expected, has used up our provisions. We have no more of them; and if we intend to wait for M. de Bienville, who perhaps will not come for 10 or 11 days, we run the risk of dying from hunger. To prevent this danger, it is necessary to attack the Chickasaw village which we found. When we have taken it, we will find there means of subsistence, and we can entrench ourselves in the fort that we have captured while waiting for M. de Bienville.' This very sensible plan was adopted and the march resumed. At 9 o'clock on the evening of March 24 the column arrived at a league's distance from the fort of the Chickasaw town of Ogoula Tchetoka and halted. Four Iroquois were sent to reconnoiter, and during their absence several gunshots were heard from the direction of the village, which made D'Artaquette think that perhaps Bienville had come up on the other side of the settlement.

"The Iroquois spies, upon their return at 3 o'clock in the morning, reported everything quiet, and the little army began marching again and came within an eighth of a league of the fort, where a halt was made and the horses which carried the baggage and extra ammunition unloaded. A small guard was left over this property, and between 6 and 7 o'clock on Palm Sunday morning, March 25, formation for attack was made. The center of the army was composed of a force of 26 officers and soldiers from the companies and 73 militia. The Arkansas, followed by the Illinois, constituted the right wing, and in the left wing were the Iroquois, followed by the Miamis. The little army marched in this order against the fort at Ogoula Tchetoka. When it drew close to the fort a chief of the Chickasaws came out with three calumets, but the Illinois and Miamis fired on him without listening to his harangue and killed him. Four or five cabins were taken possession of and the fort attacked. Immediately the Chickasaws sought cover of their defenses and continued their fire through the loopholes prepared for this purpose. At the end of a quarter of an hour's fighting there appeared on the hills four or five hundred Chickasaws who came to the rescue of their people, and these so frightened the Illinois and Miamis that they fled from the battlefield. D'Artaquette, seeing himself abandoned at one stroke by more than 250 Indians, was obliged to call a retreat to the place where the baggage and munitions had been left. While falling back he had three fingers of his right hand cut off by a bullet.

"The Chickasaws, encouraged by the flight of the Illinois and Miamis, pursued this small force under D'Artaquette with great fury and surrounded it. D'Artaquette received a second bullet wound, this time in his thigh, which obliged him to lean against a tree, and there he bravely strove by his words to animate his troops. Many of those who were near him advised him to save himself. His servant led his horse to him and, with some of the militia, tried to induce him to mount, but he insisted on staying where he could encourage his handful of men to stand firm. While he was exhorting them he received a third gunshot wound in the abdomen and his apparently lifeless body fell to the ground.

"After the disaster to their leader, M. de St. Ange and other officers exerted all their efforts to repulse the Chickasaws, but finally succumbed to the force of numbers, and most of them were killed near where D'Artaquette lay. The greater part of the militia officers perished here also. The small number of soldiers who remained, seeing themselves without officers, saved themselves by flight. The Chickasaws pursued them for nearly 4 leagues, but rain, which had fallen in great quantity since 10 o'clock, prevented them being overtaken.

"This fight lasted from between 6 and 7 in the morning until 9 a. m. The Iroquois and the Arkansas behaved in a praiseworthy manner and, owing to their valor during the retreat, more than 20 wounded, who would otherwise have been killed or made prisoners, were carried in safety to Ecors a Prud'homme, where the remnant of the army arrived, part on the 29th of March and the rest the following day.

"One of the militia officers captured by the Chickasaws was Drouet de Richardville, who lost 3 brothers in the fight, and himself suffered 3 wounds before he was taken. Richardville was one of two French prisoners kept alive by the Chickasaws for the purpose of exchanging them for one of their warriors whom the French had taken prisoner some time before. After 18 months' detention among the Indians, Richardville and the other Frenchman escaped, and after many hardships the former finally reached Montreal on the 10th of June 1739. It was from his reports that the many rumors as to what had occurred to the French prisoners were cleared up. Of the 22 French who were captured, all but Richardville and one other were burned to death. From 3 in the afternoon until midnight of the day of the fight D'Artaquette, Father Senat, Vincennes, St. Ange, and others, to the number of 20, were thrown alive into the two fires which the Indian women had prepared. An Indian girl, who had been a slave among the Chickasaws and who later was rescued from them by the Alibamons, was brought to Bienville where she related the story of this barbarity. She said that during the preparation for this tragedy the French sang in the same manner as do the Indians, 'who judge the valor of a warrior only by the strength or weakness of his voice at the time when they are about to put him to death.'

The Sieur de Courselas, who had been left to guard the ammunition and baggage, wandered into a Chickasaw village without knowing where he was going and, being taken prisoner, was burned to death 3 days later.

"Sieur de Richardville reported that from Ecors a Prud'homme to the 9 Chickasaw villages was about 60 leagues, much of the path leading over low ground overgrown with ash. These 9 villages were located on a plain cut by several small ridges, and at a distance of 2, 3, and 4 arpents on from the other. The grant village was a half league from these, beyond a village of the Natchez. There was a total of about 600 warriors in all the villages. Each of the 9 villages had a fort around which cabins were constructed. The forts were square and without bastions, 50 or 60 feet on a side. The enclosure was made of posts extending 7 or 8 feet above the ground, and braced at the back by forked stakes. These posts were set 2½ feet in the ground in double rows, and were pierced with loopholes. The cabins were built of oak posts with but one small opening, set up in circular form. The roof was made of mud shaped into a dome, and was covered over with straw. There were no streams in any of the villages but springs which were made into wells supplied them with water. Forage was to be found everywhere, horses were plentiful, and all the warriors had guns, powder, and bullets which English traders furnished in exchange for furs."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. YOUNG. Mr. Speaker, I object.

Mr. KELLER. Mr. Speaker, I am compelled to be at a meeting of the Building Commission at 3 o'clock. I ask unanimous consent to call up the bills in which I am interested when I return to the floor after that meeting.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, we have two gentlemen who have studied these bills called to committee meetings. Some of the bills that the gentleman from Illinois is interested in may be beyond the point we expected to go today. I do not care to object to the gentleman's bills, but I do object to taking them up out of order.

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, I will make the request as to the individual bills of the gentleman from Illinois, and then permit the Members to object or not object at that time. I object to the gentleman's request, however.

The SPEAKER. Objection is heard.

#### EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, in connection with my extension of remarks I ask unanimous consent to show the fact that this bill in reference to the Ackia battlefield was approved by the War Department, the Interior Department, and the Bureau of the Budget.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### SIoux INDIANS

The Clerk called the next bill, H. R. 6771, to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L. 484).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I understand that the Secretary of the Interior has already conducted hearings and has awarded this amount to the Sioux Indians.

Mr. WERNER. Yes.

Mr. WOLCOTT. And this is under a previous authorization made by this Congress?

Mr. WERNER. Yes.

Mr. WOLCOTT. Mr. Speaker, I withdraw my reservation of objection.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. WERNER. Mr. Speaker, reserving the right to object, why does the gentleman from Ohio desire this bill to be passed over without prejudice when there is not one iota of opposition to the bill?

Mr. TRUAX. There was no objection to a previous bill which we passed authorizing some \$223,000 when it is dia-

metrically opposed to the President's policy. The Comptroller General has stated that he is opposed to the bill and it is not in accord with the President's fiscal policy.

Mr. WERNER. Is that in connection with this bill?

Mr. TRUAX. No; the previous bill. This bill is along the same lines.

Mr. WERNER. We are not talking about the previous bill. This simply carries out an authorization of a previous Congress. The work has been done, and the committee has come back here giving the facts upon which the payment should be made.

Mr. McFARLANE. Will the gentleman yield?

Mr. TRUAX. I yield to the gentleman from Texas.

Mr. McFARLANE. This bill provides for an appropriation of \$79,002.19. This would mean that we would have to borrow that amount of money from the bankers and it will cost more than that to pay the interest, and so forth. I think we better get on a better fiscal basis before we pass such bills.

Mr. WERNER. But we owe the money. Why do we not pay it?

Mr. McFARLANE. What are we going to use for money?

The regular order was demanded.

Mr. ROGERS of Oklahoma. May I say that a letter we have from the Secretary of the Interior endorses this bill and it has already passed the Senate.

Mr. TRUAX. That makes no difference. They will pass anything over there in the Senate.

Mr. GREENWOOD. There has been an audit made showing the exact amount to be paid in connection with this matter.

Mr. TRUAX. Where are we going to get the money?

Mr. GREENWOOD. We can always get the money.

Mr. TRUAX. Where are we going to get the money? We are broke now.

The regular order was demanded.

The SPEAKER. Is there objection to the request of the gentleman from Ohio that the bill be passed over without prejudice?

There was no objection.

#### FORGING OR COUNTERFEITING POSTMARKING STAMP

The Clerk called the next bill, H. R. 5049, providing punishment for forging or counterfeiting any postmarking stamp.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc., That whoever shall forge or counterfeit any postmarking stamp, or shall make or knowingly use or sell, or have in possession with intent to use or sell, any such forged or counterfeited postmarking stamp, die, plate, or engraving, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.*

With the following committee amendments:

On page 1, line 4, after the word "stamp", insert the following: "or impression thereof with intent to make it appear that such impression is a genuine postmark"; on page 1, line 7, strike out the word "such", and on page 1, in line 8, after the word "engraving", insert the words "or such impression thereof."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### OBTAINING MAIL BY FRAUD OR DECEPTION

The Clerk called the next bill, H. R. 5162, providing for punishment for attempts to obtain mail by fraud or by deception.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McFARLANE. Mr. Speaker, reserving the right to object, may I ask the author of the bill the necessity for such additional penal legislation at this time? The first-class mail is the only mail of that Department that is paying expenses. All other departments are being carried at a tremendous loss; yet here is legislation subjecting everybody that handles the mail to some sort of crime. I think the

crime is that we let these departments go on running at a tremendous deficit amounting to millions of dollars without doing our duty and readjusting rates on the different postal rates. We should balance the Budget on second-, third-, and fourth-class mail of the Department rather than to try to penalize some little Government employee.

I think Congress ought to penalize itself for not doing its duty by amending the law and putting the Post Office Department on a sound fiscal basis with respect to the chain stores, mail-order houses, and the newspapers of the country as well as all others.

Mr. TRUAX. If they did that they could reduce the first-class postage rates from 3 cents to 2 cents and do some good for all the people of the country.

Mr. McFARLANE. Yes, sir; and this Congress should do this before adjourning.

Mr. TRUAX. Why do they not recommend some legislation of that kind?

Mr. McFARLANE. They seem to be putting in all of their time on matters of this sort.

The regular order was demanded.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. DOBBINS. Mr. Speaker, will the gentleman withhold his request for a moment?

Mr. MEAD. May I ask the gentleman to withhold his request for a moment so that the gentleman from Illinois [Mr. DOBBINS] may explain the bill?

Mr. TRUAX. I withhold it, Mr. Speaker.

Mr. DOBBINS. Mr. Speaker, I have asked the gentleman to withhold his request so that we may explain the purpose of the bill.

This is a very simple and inoffensive bill so far as law-abiding people are concerned. It is designed to get at a racket that is growing up in the country—

Mr. McFARLANE. Which one?

Mr. DOBBINS. Of attempting to obtain mail by fraud and deception. For instance, a great many pension checks and the retirement pay checks of retired Government officers and employees are involved; and instead of going to the post office to which the letters are addressed and attempting to get them there by fraud, miscreants will file forged forwarding orders in the names of the addressees and have the letters containing the checks sent to another post office where the offender is not known. They then come to that post office and it is easy to obtain the mail not intended for them. If they succeed in obtaining the mail, they have committed an offense under present laws, but if they are detected in the act beforehand and they give up in the attempt, there is nothing for which they can be prosecuted.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield for a question?

Mr. DOBBINS. Yes.

Mr. McFARLANE. I have just learned that some of our bankers are taking checks out of the mail and endorsing them and cashing them even though they are not addressed to them. I think if this bill will stop that practice, it is a good bill.

Mr. DOBBINS. Maybe this bill will stop it—I hope it will.

Mr. MEAD. I may say to the gentleman who spoke briefly about the first-class mail adding to the revenues of the Department, this bill is for the avowed purpose of protecting that class of mail and the patrons who are providing the revenues for the operation of this Department.

Mr. McFARLANE. Mr. Speaker, will the Chairman of the Post Office Committee yield for a question?

Mr. MEAD. Yes.

Mr. McFARLANE. When is the gentleman going to bring in a bill to reduce the first-class postage rate from 3 cents to 2 cents?

Mr. MEAD. I may say to the gentleman that our committee has never gone on record increasing the first-class postage rate from 2 cents to 3 cents. Our committee opposed the increase as a committee.

Mr. McFARLANE. Why does not the gentleman bring in a bill and let us reduce it?



Mr. MEAD. The matter is now before the Ways and Means Committee, and the increase was applied by way of a tax by that committee rather than by our committee as an increased postal charge. It is a tax, as I understand, for the duration of the emergency.

Mr. McFARLANE. Why does not the gentleman's committee bring in a bill to reduce the rate and let us get the matter before the Congress? Your committee has jurisdiction of such legislation. I am sure we can pass a measure amending the law by reducing first-class postage rates from 3 cents to 2 cents.

Mr. MEAD. So far as our committee is concerned, first-class postage is 2 cents. The matter is entirely up to the Ways and Means Committee where the third cent is applied as a tax.

Mr. McFARLANE. I believe that is the committee that has come in with this 2-cent check nuisance tax and a lot of other nuisance taxes like that.

Mr. TRUAX. Mr. Speaker, I withdraw my request that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the first clause of section 194 of the act of March 4, 1909 (35 Stat. 1125), as amended (18 U. S. C. 317), be amended to read as follows: "Whoever shall steal, take, or abstract, or by fraud or deception obtain or attempt so to obtain from or out of any mail, post office or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein;"

With the following committee amendment:

Page 2, line 1, after the word "mail", insert a comma.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CUSTODIANS OF GOVERNMENT MONEYS AND PROPERTY

The clerk called the next bill, H. R. 5360, providing for punishment for the crime of robbing or attempting to rob custodians of Government moneys or property.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, in reading this bill I have come to the very definite conclusion it is about the worst-drafted bill I have ever read.

The committee amendment makes the bill somewhat ambiguous and uncertain concerning its operation. I want to call the committee's attention to the fact that in line 6 they have crossed out "matter, money" and in line 7 have written in "matter or of any money", and in line 10 they have left the wording as it was. It would seem to me that to be consistent an amendment should be offered to insert in line 10, after the word "mail", the words "or of any", so that the bill would read the same as it does in line 7.

I might say also that in line 6, on page 2, which has to do with the penalty, it provides for a penalty of 25 years, no more and no less. I have drafted an amendment which would make the punishment not more than 25 years, to make it consistent with the laws of every State and of the United States that I have ever read concerning punishments for crime. If the committee will accept these two amendments, one to insert, after the word "mail", in line 10 on page 1, the words "or of any", and in line 6 on page 2, the words "not more than", I shall have no objection to the bill. I am not doing this because I have any objection to the merits of the bill, but I think it is a badly drafted bill.

Mr. DOBBINS. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. Yes.

Mr. DOBBINS. Both the matters which the gentleman has discussed were considered in committee. I call the attention of the gentleman from Michigan to the fact that after the nature of the mail and other matter has been defined in lines 6 and 7 on page 1, the use of the word "such" in line 10 has the effect of adopting that same

definition. That is the reason the words were not repeated, but I see no harm in repeating them and will offer no objection to doing it.

Mr. WOLCOTT. I think the language of the bill before it was amended is better.

Mr. DOBBINS. The trouble with the language as originally written "custody of any mail matter, money, or other property of the United States" is that it might limit the offense to mail matter of the United States, whereas it is designed to include within the protection of the section all mail matter, whether it belongs to the United States or is mail belonging to a private citizen and is temporarily in the custody of the United States while being in the United States mails. The criticism in respect to the severity of the punishment appeals strongly to the committee, and the only reason we did not change it was because that is the existing law and has been the law for many years.

Mr. WOLCOTT. I understand that to be the case. I have no objection to the severity of the punishment; in fact, I would prefer to see it not less than 25 years or more than 50, but I think there should be some discretion left in the court in cases where there are mitigating circumstances.

Mr. DOBBINS. I do not have any objection to either one of the amendments suggested by the able gentleman from Michigan and the chairman of our committee agrees with me in that statement.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. Yes.

Mr. BULWINKLE. I really think that the whole bill should be redrafted. Let me read it to the House:

Whoever shall assault any person having lawful charge, control, or custody of any mail matter, money, or other property of the United States with intent to rob, steal, or purloin—

And so forth. That is not so good.

Mr. LUCKEY. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. LUCKEY. This bill was presented to the committee by the Post Office Department.

Mr. BULWINKLE. I cannot help who sent it to the committee.

Mr. WOLCOTT. And the next worse bill that I have ever read was sent down here in the Seventy-third Congress by the Department of Justice. That does not excuse the matter.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. TRUAX. Mr. Speaker, I reserve the right to object.

Mr. WERNER. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

There was no objection.

#### TLINGIT AND HAIDA INDIANS

The Clerk called the bill (H. R. 2756) authorizing the Tlingit and Haida Indians of Alaska to bring suit in the United States Court of Claims, and conferring jurisdiction upon said court to hear, examine, adjudicate, and enter judgment upon any and all claims which said Indians may have, or claim to have, against the United States, and for other purposes.

The SPEAKER. Is there objection?

Mr. LESINSKI. Mr. Speaker, I object.

#### STATUARY KNOWN AS "INDIAN BUFFALO HUNT"

The Clerk called the bill (H. R. 5263) to purchase and erect in the city of Washington the group of statuary known as the "Indian Buffalo Hunt."

The SPEAKER. Is there objection?

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, and that the right to call up the bill later be granted to the gentleman from Illinois [Mr. KELLER] upon his return to the House.

The SPEAKER. Is there objection?

Mr. TRUAX. Mr. Speaker, I object to that request. This bill is well known and has been in this House for years.

Mr. WERNER. Mr. Speaker, I demand the regular order.

Mr. TRUAX. Mr. Speaker, I object to the gentleman's request and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

#### DISTRICT JUDGE FOR MASSACHUSETTS

The Clerk called the bill (H. R. 4665) to authorize the appointment of a district judge to fill the vacancy in the district of Massachusetts occasioned by the death of Hon. James A. Lowell.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. I have no particular objection to the merits of the bill, but I wish we could clear up the situation which exists with reference to several of these courts which I do not understand and I do not think many Members understand. We seem to have a practice in some jurisdictions whereby we establish a certain judgeship, and when there is a vacancy through death or otherwise the President is authorized to make an appointment.

Then we have other judgeships, and a judge is named to that judgeship and upon his death there is no vacancy because the judgeship dies with the judge. Then we have a third classification where a temporary judge is authorized, wherein the temporary judgeship does not die with the judge. I think probably the President would have authority without any action of Congress to appoint a successor. I wish the gentleman would clear up that feature in my mind.

Mr. HEALEY. I should be very glad to do that. Judge Lowell was appointed in 1922 to a judgeship which did not survive him. He was appointed for life, and at his death that judgeship terminated. There were a number of judges appointed at that particular time throughout the country—I think probably some 15 or 20. They were merely temporary judges, and upon their death the judgeships terminated. This is that type of judgeship. Judge Lowell died in November 1933, and since that time the court in Massachusetts has only had two Federal judges, although we have a population of approximately 4,300,000. There is not any State in the Union with that population or even approximately that population that has less Federal judges. There are 19 States with less population that have as many judges, and 10 States with less population that have more judges.

Mr. WOLCOTT. I may say that I have studied the bill carefully, and I think there is need for this judgeship in Massachusetts, because the three judges divided their work into a criminal branch, a civil jury branch, and the civil nonjury branch. I think there is need for it, but because that need will be continuing from year to year, I was wondering whether it would not be better legislation to create the position permanently rather than to do it in this way?

Mr. HEALEY. I think this bill will take care of that situation. That will create a permanent judgeship.

Mr. McFARLANE. Reserving the right to object, this, in effect, is creating a permanent Federal district judgeship in Massachusetts, and I would like to ask the gentleman the number of cases that are being disposed of by the two judges in Massachusetts at this time, and, if he can, to tell us how that compares with the other judgeships over the Nation. I have this in mind, that we ought to make a careful survey of the Federal district judgeships over the Nation and redistribute the work and stop creating these district judgeships. I think we have enough judgeships now if the work was fairly and equitably distributed over the Nation, and we could stop creating these judgeships and save this additional expense.

Mr. HEALEY. May I say to the gentleman that because of the tremendous amount of work before the court the dockets are terribly congested. It has been impossible to hold a session of the criminal court this year. In answer to the gentleman's question, in the year 1931-32 there were 1,937 cases, excluding bankruptcy, filed; in the year 1932-33 there were 1,825 cases, excluding bankruptcy proceedings,

filed. In 1932-33, 1,693 cases were terminated, and at the end of the fiscal year 1932 there were pending 1,810 cases. At the end of the fiscal year 1933 there were 1,942 cases pending. In addition to these the court handles a large amount of naturalization petitions and bankruptcy matters.

Mr. McFARLANE. How much work were those judges turning off? How many jury cases were they disposing of?

Mr. HEALEY. Oh, they are trying all the jury cases that it is humanly possible for two judges to try.

Mr. McFARLANE. How many?

Mr. HEALEY. I think the report indicates the number. For instance, during the year 1934 there were 1,033 cases exclusive of bankruptcy proceedings, terminated by the court. During that same year there were over 2,000 bankruptcy cases commenced, and some 1,924 were terminated. I believe that will indicate to the gentleman that the court is trying its utmost to keep the work current.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. SUMNERS of Texas. I think it has been explained that this is not the creation of a new judgeship, and it is not the continuation of a judgeship with regard to which any member of the committee has any question of necessity, so far as I know. The gentleman is advised that one of the two judges sitting there died, and by reason of his being a temporary appointment—

Mr. McFARLANE. The court died with him?

Mr. HEALEY. Yes. The judgeship died with him.

Mr. SUMNERS of Texas. We must have this legislation to permit the President to fill the position that was occupied by this judge who died.

Mr. McFARLANE. Why can we not make a careful survey and study of these different judicial districts over the Nation and reapportion or redistribute the work among the different Federal district judges and save the creation of additional judgeships. That is what I am interested in.

Mr. SUMNERS of Texas. The gentleman is right about that; but in this particular situation I think every member of the committee and everybody who has studied it agrees that three judges are necessary to do the work in this State. I do not think there is any doubt in the mind of any member of the committee that that is true. We made an exception of this particular bill because of that situation. There are 13 or 14 judges included in the omnibus bill. Because of the pressing necessity in that State, this bill was cut out from the omnibus bill and placed so that it could be put through without being involved in these other cases.

Now, we are not making any new judgeship and we have not in this bill any judgeship that anybody who has examined the figures has any doubt about. That is the situation.

Mr. McFARLANE. Mr. Speaker, I withdraw my objection.

Mr. TRUAX. Reserving the right to object, why cannot this bill be passed over without prejudice, along with several other bills now on the calendar?

Mr. SUMNERS of Texas. There is objection to some other bills. There is objection by some Members to the general policy of the committee directed to what is called "the omnibus bill." There is objection to that bill in New York, California, and from other States.

Mr. TRUAX. What about the one in Oregon?

Mr. SUMNERS of Texas. I am not informed as to that at the moment. This bill, as said by my friend, was cut loose from the general group of bills that were similarly involved in order that the people affected might have the proper number of judges to take care of the business of the courts.

Mr. WERNER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is: Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President is authorized, by and with the advice and consent of the Senate, to appoint a district judge to fill the vacancy in the district of Massachusetts occasioned by the death of Hon. James A. Lowell.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.



## DESCHUTES NATIONAL FOREST

The Clerk called the next bill, H. R. 4459, to include within the Deschutes National Forest, in the State of Oregon, certain public lands within the exchange boundaries thereof.

There being no objection, a similar Senate bill (S. 1680) was substituted for the House bill.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the act entitled "An act authorizing the adjustment of the boundaries of the Deschutes National Forest, in the State of Oregon, and for other purposes", approved February 2, 1922, is amended by adding at the end thereof the following new section:

"Sec. 2. Such lands in public ownership within 6 miles of the exterior boundaries of the Deschutes National Forest, in the State of Oregon, as may be found by the Secretaries of Agriculture and of the Interior to be chiefly valuable for national-forest purposes, may be added to the Deschutes National Forest by proclamation of the President, subject to any valid existing claims in such lands."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 4459) was laid on the table.

## PRELIMINARY EXAMINATION OF CERTAIN RIVERS IN THE STATE OF NEW YORK

The Clerk called the next bill, H. R. 3285, authorizing a preliminary examination and survey of the Oswego, Oneida, Seneca, and Clyde Rivers in Oswego, Onondaga, Oneida, Madison, Cayuga, Wayne, Seneca, Tompkins, Schuyler, Yates, and Ontario Counties, N. Y., with a view to the controlling of floods.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Oswego, Oneida, Seneca, and Clyde Rivers in Oswego, Onondaga, Oneida, Madison, Cayuga, Wayne, Seneca, Tompkins, Schuyler, Yates and Ontario Counties, N. Y., with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendment:

Page 2, at the end of line 7, add a new paragraph to read as follows:

"Amend the title so as to read: 'A bill authorizing a preliminary examination of the Oswego, Oneida, Seneca, and Clyde Rivers in Oswego, Onondaga, Oneida, Madison, Cayuga, Wayne, Seneca, Tompkins, Schuyler, Yates, and Ontario Counties, N. Y., with a view to the controlling of floods.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended.

Mr. MOTT. Mr. Speaker, I ask unanimous consent to return to the bills, Calendar Nos. 49 to 55, inclusive, for the reason that the bill we have just passed is of exactly the same type, providing for preliminary flood-control examinations. The fact that no objection was made to this bill shows that those who objected to the previous bills do not now object to the principle involved, and I take it have reconsidered their action.

Mr. ZIONCHECK. Mr. Speaker, I dislike very much to object to the request of the gentleman from Oregon, understanding, as I do, the reason for the request; but if we grant a request to return to reconsider a bill for one Member we shall have to do it for all, and in the interest of orderly procedure I am constrained to object at this time.

## INTERSTATE REFERENCE BUREAU

The Clerk called the joint resolution (H. J. Res. 156) to make available to Congress the services and data of the Interstate Reference Bureau.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that this joint resolution may be passed over without prejudice.

Mr. McFARLANE. Mr. Speaker, I object.

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The SPEAKER. Is there objection to the consideration of the joint resolution?

Mr. TRUAX. Mr. Speaker, I object.

## BRIDGE ACROSS MISSISSIPPI RIVER, COHASSET, MINN.

The Clerk called the next bill, S. 1342, to revive and reenact the act entitled "An act granting the consent of Congress to Board of County Commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the road between the villages of Cohasset and Deer River, Minn."

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act of Congress approved May 1, 1923, authorizing the Board of County Commissioners of Itasca County, Minn., to construct a bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west, on the road between the villages of Cohasset and Deer River, Minn., be and the same is hereby revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within 1 year and completed within 3 years from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## BRIDGE ACROSS MISSISSIPPI RIVER, ST. LOUIS, MO.

The Clerk called the next bill, S. 1855, to revive and reenact the act entitled "An act authorizing H. C. Brenner Realty & Finance Corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near a point between Cherokee and Osage Streets, St. Louis, Mo.", approved February 13, 1931.

Mr. ZIONCHECK. Mr. Speaker, I object on account of this being a toll bridge. The Department of Agriculture enters an objection.

Mr. CLAIBORNE. Mr. Speaker, will the gentleman withhold his objection.

Mr. ZIONCHECK. Yes.

Mr. CLAIBORNE. Mr. Speaker, this bill has passed the Senate. On February 13, 1931, it passed both branches of Congress. The bridge would have been erected had it not been for the depression.

Allowing this act to become a law will provide employment at a time when employment is needed most, and I am confident money to build the bridge will be raised and that the bridge will be built.

Mr. ZIONCHECK. Mr. Speaker, the Department of Agriculture takes the position that an additional bridge across the Mississippi River at this point is not needed and that a publicly owned bridge could be constructed and financed from tolls and be free in a shorter time. For these reasons I object to the bill, Mr. Speaker.

Mr. CLAIBORNE. Is the gentleman not also aware of the fact that the Secretary of War, who is in charge of navigable rivers, is in a better position to know the need for bridges than the Department of Agriculture.

Mr. TRUAX. Mr. Speaker, will the gentleman yield?

Mr. CLAIBORNE. I yield.

Mr. TRUAX. Does the gentleman favor the retention of toll bridges?

Mr. CLAIBORNE. In this instance; yes. I have never objected to any bill.

Mr. ZIONCHECK. Mr. Speaker, I demand the regular order so I can object and put a stop to this discussion.

The SPEAKER. The regular order is demanded. Is there objection to the consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

## BRIDGE ACROSS RAINY RIVER AT BAUDETTE, MINN.

The Clerk called the next bill, H. R. 6834, to revive and reenact the act entitled "An act authorizing Vernon W. O'Connor, of St. Paul, Minn., his heirs, legal representa-

tives, and assigns, to construct, maintain, and operate a bridge across the Rainy River at or near Baudette, Minn."

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. BUCKLER of Minnesota. Mr. Speaker, will the gentleman withhold his objection?

Mr. ZIONCHECK. Mr. Speaker, I withhold my objection to permit the gentleman to make a statement.

Mr. BUCKLER of Minnesota. This bill was once passed by Congress, and Mr. O'Connor started to build a bridge across the Rainy River at Baudette, going so far as to build the piers and abutments to the bridge. Canada had agreed to have this bridge built, and they had built their road down to the bridge. The time limit expired. We are asking that the time be extended within which the bridge may be completed.

Mr. ZIONCHECK. According to the report, the Mayor of Baudette advises that the Ontario Government is ready to assume one-half the cost of constructing a free bridge if the other half of the cost is provided on this side of the boundary. If there is any possibility of building a free bridge there, I should object to any extension of time for the construction of a toll bridge.

Mr. BUCKLER of Minnesota. I would rather have a free bridge myself, but where are we going to get the other half of the money? If Congress will give us the other half of the money we will throw up our hands. I would ask that we hold up this until we can see if we can get a free bridge.

Mr. CHAPMAN. The Department of Agriculture, the Department of State, and the War Department have all given their approval to this bill.

Mr. TRUAX. The Department of Agriculture says they are opposed to this bill.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. ZIONCHECK. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I may say to the gentleman that the Department of Agriculture for years has been opposed to a great many of these bridge bills. If we are going to be compelled to have a favorable report from them before we pass any bills, or pass only those bridge bills to which the Department of Agriculture does not object, there would not be many bridge bills passed. Just as the gentleman from Missouri indicated, the controlling factor in connection with the passage of a bridge bill is, what does the War Department say about obstruction to navigation? The plan of the Department of Agriculture is a plan to link up their various roads. They do not press their objection and are not insistent. They make the objection because it is not consistent with their road policy, and we on this side have not objected because the Department of Agriculture has objected. We maintain that there are other factors more important.

Mr. TRUAX. Does the gentleman favor toll bridges?

Mr. JENKINS of Ohio. I am in favor of toll bridges if they are owned by municipalities, or by counties, or States, or public agencies, but not by individuals, unless it can be shown that these individuals are acting in the public interest. I have always been against granting franchises to individuals to be peddled around to the one who would give them the greatest profit.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

Mr. BUCKLER of Minnesota. If we do that you might just as well kill it, because we will not get to it again.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### AMERICAN AND PHILIPPINE LABOR

The Clerk called the next bill, H. R. 7348, to protect American and Philippine labor and to preserve an essential industry, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, at the request of the Chairman of the Committee on Insular Affairs, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### BRIDGE ACROSS MISSOURI RIVER AT GARRISON, N. DAK.

The Clerk called the next bill, S. 1222, to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak., authorized to be built by the State of North Dakota by an act of Congress approved February 10, 1932, heretofore extended by acts of Congress approved February 14, 1933, and June 12, 1934, are hereby further extended 1 and 3 years, respectively, from June 12, 1935.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### BRIDGE ACROSS MISSOURI RIVER AT OMAHA, NEBR.

The Clerk called the next bill, S. 1987, to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Farnam Street, Omaha, Nebr.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Missouri River at or near Farnam Street, Omaha, Nebr., authorized to be built by the Omaha-Council Bluffs Missouri River Bridge Board of Trustees by an act of Congress approved June 10, 1930, heretofore extended by acts of Congress approved February 20, 1931, June 9, 1932, February 24, 1933, and March 5, 1934, are hereby further extended 1 and 3 years, respectively, from June 10, 1935.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### BRIDGE ACROSS MISSISSIPPI RIVER AT NEW ORLEANS, LA.

The Clerk called the next bill, H. R. 4528, to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La., authorized to be built by George A. Hero and Allen S. Hackett, their successors and assigns, by act of Congress approved March 2, 1927, heretofore extended by acts of Congress approved March 6, 1928, February 19, 1929, June 10, 1930, March 1, 1933, and March 5, 1934, are hereby extending 1 and 3 years, respectively, from March 2, 1935.

With the following committee amendments:

On page 1, line 7, after the word "by", insert "an."

On page 2, line 1, strike out the word "extending" and insert in lieu thereof the words "further extended."

On page 2, lines 3 and 4, insert the following new section: "Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### BRIDGE ACROSS DES MOINES RIVER AT ST. FRANCISVILLE, MO.

The Clerk called the next bill, H. R. 5547, to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.



The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McFARLANE. Mr. Speaker, reserving the right to object, may I ask the author of the bill whether or not this is a toll bridge?

Mr. CHAPMAN. It will become a toll bridge.

Mr. McFARLANE. When it is opened it is to be a free bridge?

Mr. ROMJUE. I may say to the gentleman from Texas that the money has been raised by bond issue in the State of Iowa, but has been declared illegal. The people since that time have constructed a road practically up to the river. The State of Missouri is working on its road and the State highway commission has provided about three-quarters of the money.

Mr. McFARLANE. How much money has to be paid off before it is a free bridge?

Mr. ROMJUE. They have all but something like \$8,000. They have nearly all of it raised. They had about seven-eighths of the money raised when the bonds in Lee County, Iowa, were declared unconstitutional.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the time for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo., authorized to be built by Roy H. Campbell, Charles H. Brown, G. H. Wilsey, and Dr. H. O. Strosnider, by an act of Congress approved February 14, 1933, heretofore extended by an act of Congress approved February 24, 1934, are hereby extended 1 and 3 years, respectively, from February 24, 1935.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 2, line 2, strike out the figure "24" and insert in lieu thereof the figure "14."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### BRIDGE ACROSS THE RIO GRANDE AT RIO GRANDE CITY, TEX.

The Clerk called the next bill, H. R. 6630, to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near Rio Grande City, Tex.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. WEST. Why does the gentleman object?

Mr. ZIONCHECK. Because the Department of Agriculture objected some 6 years ago. Since that time nothing has been done in the way of construction. Now, if they cannot do anything in the way of construction in 6 years, it is time they allowed somebody else to do something.

Mr. WEST. The Government now maintains a conveyance back and forth there. They use a little hand boat.

Mr. ZIONCHECK. This is to be a toll bridge?

Mr. WEST. Yes.

Mr. ZIONCHECK. To be constructed by a private company and operated by a private company, and there is no provision for amortization.

Mr. WEST. The gentleman will find that this is a bridge between two countries, namely, the United States and Mexico.

Mr. ZIONCHECK. Does this private company want to take all of the profits?

Mr. WEST. Yes; absolutely. Of course.

Mr. ZIONCHECK. Mr. Speaker, I object. I think the Mexican Government ought to be given a break.

#### BRIDGE ACROSS ST. LAWRENCE RIVER NEAR OGDENSBURG

The Clerk called the next bill, H. R. 6780, to extend the times for commencing and completing the construction of a bridge across the St. Lawrence River at or near Ogdensburg, N. Y.

Mr. McFARLANE. Mr. Speaker, reserving the right to object, I should like to hear an explanation of this bill with respect to whether or not it is to be a toll bridge.

Mr. SNELL. What information would the gentleman like to have?

Mr. McFARLANE. What can you give me? [Laughter.]

Mr. SNELL. Well, I can give the gentleman a good deal of information, if it is necessary. To start with, the location of this bridge was decided by a commission appointed by the then Governor of the State of New York, Mr. Franklin D. Roosevelt, and is the only one between Niagara Falls and Montreal. The bridge is to be built by the Bridge Commission of New York State.

Mr. McFARLANE. Why do they not build the bridge?

Mr. SNELL. This is to be a public bridge; and takes time to straighten out the international features.

Mr. McFARLANE. Why all the delay—why have they not built it?

Mr. SNELL. Well, there you are asking quite a serious question. We had an allocation of \$2,750,000 from the P. W. A. to build this bridge. We thought we were going to start it last year, but there were some complications in connection with the Canadian Government. There were some people in Canada who wanted one at Ogdensburg and some who wanted one at Thousand Islands and one up at Kingston, and all these objections had to be considered. There is need for one bridge, and nearly everyone agrees to that. This is the location that the commission set up by the Governor of the State of New York decided upon and they were unanimous in their decision, and as far as I know there is no opposition to the building of it.

Mr. McFARLANE. Is it to be a toll bridge when completed?

Mr. SNELL. It is to be a public, toll bridge; yes.

Mr. McFARLANE. What is it going to cost?

Mr. SNELL. About \$3,000,000.

Mr. McFARLANE. How much of it will the Canadian Government pay?

Mr. SNELL. I cannot tell the gentleman that because it has not been decided.

Mr. McFARLANE. Which probably means very little.

Mr. SNELL. Comparatively little. We have the money promised from the P. W. A.

Mr. McFARLANE. You did not get any P. W. A. money from Canada, did you?

Mr. SNELL. Not from Canada; no.

Mr. McFARLANE. How much will Canada pay?

Mr. SNELL. I told the gentleman they had not made any arrangements in regard to that, but the bridge will be paid for out of tolls. There is not a bridge across the St. Lawrence River from Niagara to Montreal.

Mr. McFARLANE. Since you have not been able to get any action during all this time I do not see why we ought to fool along with them any further. Maybe we can get a contract and get somebody else to work on it.

Mr. SNELL. I think the gentleman ought to give a little more reason than that for objecting.

Mr. McFARLANE. I am going to ask that the bill be passed over without prejudice.

Mr. SNELL. There is no prejudice about it, the gentleman can either object to it or not.

Mr. McFARLANE. I object, Mr. Speaker.

#### BRIDGE ACROSS MISSOURI RIVER NEAR BROWNVILLE, NEBR.

The Clerk called the next bill, H. R. 7981, to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ANDREWS of New York. Mr. Speaker, I object to the consideration of the bill.

#### BRIDGE ACROSS WABASH RIVER NEAR MEROM, SULLIVAN COUNTY, IND.

The Clerk called the next bill, H. R. 7083, to extend the times for commencing and completing the construction of a

bridge across the Wabash River at or near Merom, Sullivan County, Ind.

Mr. ANDREWS of New York. Mr. Speaker, I object.

Mr. GREENWOOD. Mr. Speaker, will the gentleman withhold his objection?

Mr. ANDREWS of New York. No; I object.

#### BRIDGE ACROSS THE RIO GRANDE NEAR BOCA CHICA, TEX.

The Clerk called the next bill, H. R. 7291, to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near Boca Chica, Tex.

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. LESINSKI. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair will state that there are a number of suspensions pending.

The question was taken; and the motion to adjourn was rejected.

#### REQUIRING THE NAMING OF SUBCONTRACTORS

The Clerk called the bill (H. R. 97) to require contractors on public-buildings projects to name their subcontractors, material men, and supply men, and for other purposes.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### GEOLOGICAL SURVEY WORK IN PUERTO RICO

The Clerk called the joint resolution (H. J. Res. 27) providing for extension of cooperative work of the Geological Survey to Puerto Rico.

The SPEAKER. Is there objection?

Mr. McFARLANE. Mr. Speaker, I object.

#### BRIDGE ACROSS ST. JOHN RIVER

The Clerk called the bill (H. R. 4505) granting the consent of Congress to the State of Maine and the Dominion of Canada to maintain a bridge already constructed across the St. John River between Madawaska, Maine, and Edmundston, Canada.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State of Maine and the Dominion of Canada, their successors and assigns, to maintain and operate, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, a bridge and approaches thereto already constructed across the St. John River between Madawaska, Maine, and Edmundston, Canada, which bridge is hereby declared to be a lawful structure to the same extent and in the same manner as if it had been constructed in accordance with the provisions of said act of March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 1, after the word "Edmundston" insert "New Brunswick."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill granting the consent of Congress to the State of Maine and the Dominion of Canada to maintain a bridge already constructed across the St. John River between Madawaska, Maine, and Edmundston, New Brunswick, Canada."

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS WACCAMAW RIVER, N. C.

The Clerk called the bill (H. R. 6859) granting the consent of Congress to the State Highway Commission of North Carolina to construct, maintain, and operate a free highway bridge across Waccamaw River, at or near Old Pireway Ferry Crossing, N. C.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State Highway Commission of North Carolina to construct, maintain, and operate a free highway bridge and ap-

proaches thereto across Waccamaw River, at a point suitable to the interests of navigation, about 2 miles east of the Old Pireway Ferry Crossing, in the counties of Columbus and Brunswick, State of North Carolina, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### BRIDGE ACROSS SABINE RIVER, LOUISIANA

The Clerk called the bill (H. R. 6987) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near a point where Louisiana Highway No. 7 meets Texas Highway No. 87.

The SPEAKER. Is there objection?

Mr. ANDREWS of New York. Mr. Speaker, I object.

Mr. CHAPMAN. Mr. Speaker, will the gentleman withhold his objection?

Mr. ANDREWS of New York. I shall withhold my objection if the gentleman will allow me to call up Calendar 126, H. R. 6780, and I shall also withdraw my objection to three other bills.

Mr. MOTT. Mr. Speaker, I reserve the right to object. If we are going to return to any previous numbers on the calendar I shall object unless I am allowed to return to Calendar No. 49.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANDREWS of New York. Mr. Speaker, I object.

#### BRIDGE ACROSS MISSISSIPPI RIVER, MO.

The Clerk called the bill (H. R. 6997) authorizing the State of Illinois and the State of Missouri to construct, maintain, and operate a free highway bridge across the Mississippi River between Kaskaskia Island, Ill., and St. Marys, Mo.

The SPEAKER. Is there objection?

Mr. ANDREWS of New York. Mr. Speaker, I object.

Mr. CHAPMAN. Mr. Speaker, will the gentleman withhold his objection? This is another bridge to be constructed between two States. [Cries of "Regular order!"]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and the Clerk will report the bill.

Mr. ANDREWS of New York (from his seat). I object.

The SPEAKER. The gentleman from New York cannot object while sitting in his seat. The Clerk will report the bill.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the State of Illinois and the State of Missouri be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, between Kaskaskia Island, Ill., and St. Marys, Mo., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Sec. 2. There is hereby conferred upon the State of Illinois and the State of Missouri all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Sec. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ANDREWS of New York. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point that there is no quorum present. Evidently there is not a quorum.

Mr. BULWINKLE. Mr. Speaker, I move a call of the House.

The motion was agreed to.



The Clerk called the roll and the following Members failed to answer to their names:

## [Roll No. 80]

Amlie	Dirksen	Kennedy, Md.	Peyser
Arends	Dorsey	Kennedy, N. Y.	Pfeifer
Bankhead	Doutrich	Kerr	Ransley
Barden	Doxey	Kleberg	Reece
Boehne	Duncan	Knutson	Relly
Brennan	Evans	Kvale	Richards
Brooks	Farley	Lambertson	Rogers, N. H.
Buckley, N. Y.	Ferguson	Lamneck	Russell
Burch	Flannagan	Lee, Okla.	Sabath
Carden	Focht	Lewis, Md.	Sanders, La.
Carmichael	Frey	Lord	Schaefer
Cartwright	Fulmer	Lucas	Shannon
Casey	Gambrill	Lundeen	Short
Celler	Gasque	McLean	Smith, Conn.
Chandler	Gassaway	McSwain	Smith, Va.
Claiborne	Gifford	Marshall	Smith, Wash.
Clark, Idaho	Gillette	Maverick	Snyder
Clark, N. C.	Goldsborough	May	Thomas
Cochran	Guyer	Mead	Thompson
Connery	Gwynne	Meeks	Tolan
Cooper, Ohio	Hancock, N. C.	Miller	Treadway
Corning	Harter	Monaghan	Turner
Crosser, Ohio	Hartley	Montague	Underwood
Crowther	Healey	Montet	Vinson, Ky.
Culkin	Hennings	Nichols	Warren
Cummings	Higgins, Conn.	Norton	Wilcox
Dear	Hill, Ala.	Oliver	Williams
DeRouen	Hill, Samuel B.	O'Malley	Withrow
Dietrich	Igoe	Parks	Wood
Dingell	Johnson, W. Va.	Peterson, Fla.	

The SPEAKER. Three hundred and twelve Members have answered to their names. A quorum is present.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. TAYLOR of Colorado. Mr. Speaker, I wish to announce that the members of both the Ways and Means Committee and the Military Affairs Committee are in session and have been excused from attending the session of the House, and could not answer to the roll call.

The SPEAKER. The Clerk will call the next bill on the Consent Calendar.

## GREEN LAKE FISH CULTURAL STATION

The Clerk called the next bill, H. R. 6954, to authorize the transfer of the Green Lake Fish Cultural Station in Hancock County, Maine, as an addition to Acadia National Park.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Commerce be, and he is hereby, authorized and directed to transfer to the control and jurisdiction of the Secretary of the Interior as an addition to the Acadia National Park, established under the act of February 26, 1919 (40 Stat. 1178), and acts supplemental thereto, all that tract of land containing 820 acres, more or less, with improvements thereon, if any, comprising the abandoned Green Lake Fish Cultural Station, in Hancock County, Maine, said tract being no longer needed for fish-cultural purposes: *Provided,* That such action shall be in full recognition of any outstanding lease affecting said land.

With the following committee amendment:

On page 2, line 5, after the word "lease", insert "license, or permit."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PUERTO RICAN HURRICANE RELIEF COMMISSION

The Clerk called the next business, Senate Joint Resolution 88, to abolish the Puerto Rican Hurricane Relief Commission and transfer its functions to the Secretary of the Interior.

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## BUILDINGS FOR UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

The Clerk called the next bill, H. R. 6800, authorizing the construction of buildings for the United States High Commissioner to the Government of the Commonwealth of the Philippine Islands.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## ADVANCEMENT BY SELECTION IN THE STAFF CORPS OF THE NAVY

The Clerk called the next bill, H. R. 5382, to provide for advancement by selection in the staff corps of the Navy to the ranks of lieutenant commander and lieutenant; to amend the act entitled "An act to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line" (44 Stat. 717; U. S. C., Supp. VII, title 34, secs. 348 to 348t), and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Reserving the right to object, personally I have not had time to study this bill. The gentleman from Georgia [Mr. Vinson] wished to take it up. I wish, because of that, that the gentleman from Georgia would make a brief explanation of the bill.

Mr. VINSON of Georgia. Mr. Speaker, under the gentleman's reservation of objection, I will be glad to do so. I will state to the House that this is a departmental measure, unanimously reported to the House by the Naval Affairs Committee. It merely applies to the staff corps. It extends selection down in the staff corps to the lower grades, the grade of lieutenant and lieutenant, junior grade, and makes it uniform with reference to that of the line and that of the Marine Corps. It also seeks to equalize some injustice that was done in what is known as the "equalization bill." This is a departmental measure and it brings about an annual saving of about \$1,400 a year.

The gentleman from Pennsylvania [Mr. Darrow] is thoroughly conversant with the facts. The entire committee has gone into the matter carefully, and it is highly important that this bill be passed as early as possible, so that the selection in the staff can be carried out this year in accordance with the provisions of this bill.

Under the law today in the rank of lieutenant and lieutenant, junior grade, if this bill does not become effective, it is possible for an officer to hold that rank until he is 64 years of age. This would eliminate him if he is not qualified professionally in this particularly technical work.

Mr. ANDREWS of New York. Reserving the right to object, a few moments ago I objected to five or six bills purely as a retaliatory action against an unwarranted objection that was made to a bill on the calendar, no. 126, and I would like to say a word or two about it.

Mr. VINSON of Georgia. I do not have the floor.

Mr. ANDREWS of New York. This bill simply extends the time to build a very important bridge in northern New York and Canada where thousands of tourists from all over the country go each year and are oppressed by very high ferry rates in order to get from the United States into Canada. The result was that a New York State act was proposed originally by your President on the Democratic side, Mr. Roosevelt, with a Democratic commission. It is a public bridge, and I cannot understand why anybody in the House would object to extending the time for the construction of such a bridge, which is obviously for the public good.

Mr. RANKIN. Is it a free bridge?

Mr. ANDREWS of New York. It is a toll bridge until the bonds are paid off.



Mr. VINSON of Georgia. I hope the gentleman will be successful in getting it through.

Mr. ANDREWS of New York. But I am under the impression that I will object to all other bills unless I can now secure unanimous consent to return to Calendar No. 126.

Mr. VINSON of Georgia. Let me say to the gentleman that he should not penalize other meritorious bills because he has not been fortunate enough to secure the passage of his bill. The bill now before the House is not an individual bill of mine. It is a departmental measure.

Mr. ANDREWS of New York. Mr. Speaker, I will withdraw my reservation of objection.

Mr. WOLCOTT. Mr. Speaker, in view of the gentleman's statement I will withdraw my reservation of objection.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the bill be printed in the Record at this point and not read.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That the provisions of existing law as amended by this act with reference to advancement in rank by selection in the staff corps are hereby extended to include and authorize advancement to the ranks of lieutenant commander and lieutenant of officers of the next lower ranks who are eligible for consideration by a selection board. Each selection board appointed to recommend staff officers of the ranks of lieutenant and lieutenant (junior grade) for advancement, shall recommend all the eligible officers of said ranks who in the opinion of at least two-thirds of the members of such board are fitted to assume the duties of the next higher rank.

Sec. 2. Boards for the selection of staff officers for recommendation for advancement to the ranks of lieutenant commander and lieutenant shall be composed of not less than 6 nor more than 9 officers above the rank of commander on the active or retired list of the staff corps concerned: *Provided*, That in case there be not a sufficient number of staff officers of the corps concerned legally or physically capacitated to serve on a selection board of such corps as herein provided, officers of the line on the active list above the rank of commander may be detailed to duty on such board to constitute the required minimum membership.

Sec. 3. Staff officers of the ranks of lieutenant and lieutenant (junior grade) who shall not have been recommended for advancement to the next higher rank by the report of a selection board as approved by the President prior to the completion of 14 or 7 years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a selection board on June 30 of the current fiscal year: *Provided*, That no such officer shall become ineligible for consideration by reason of length of commissioned service until he shall have been once considered by a selection board for advancement to the next higher rank.

Sec. 4. Except as provided in section 6 of this act, staff officers of the ranks of commander and lieutenant commander who shall not have been recommended for advancement by the report of a selection board as approved by the President prior to the completion of 28 or 21 years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a selection board on June 30 of the current fiscal year: *Provided*, That for the purposes of this section, the length of such commissioned service for officers of the ranks of commander and lieutenant commander in the Construction Corps and Civil Engineer Corps shall be 30 or 25 years, respectively: *Provided further*, That no staff officer of the rank of commander or lieutenant commander shall become ineligible for consideration by reason of length of service until he shall have been considered by three selection boards for advancement to the next higher rank, at least one of which boards shall have been appointed after the date of this act.

Sec. 5. All staff officers who have not been recommended for advancement and who, after the completion of the designated periods of service as prescribed for their respective ranks and corps, become ineligible for consideration by a selection board in accordance with this act, or who, if recommended for advancement, undergo the required examinations for advancement and are found not professionally qualified, shall be transferred to the retired list of the Navy.

Sec. 6. When the number of involuntary transfers in any fiscal year from the ranks of commander and lieutenant commander in the staff corps to the retired list pursuant to this act, exclusive of officers who have failed professionally on examination for advancement to the next higher rank, would otherwise exceed the figures in the following tabulation, the selection board concerned shall designate by name such excess of officers for retention on the active list until the end of the next fiscal year, and officers so designated shall retain their eligibility for selection and advancement during said year: Medical Corps, 7 commanders and 12 lieutenant commanders; Supply Corps, 4 commanders and 7 lieutenant commanders; Chaplain Corps, 1 commander and 1 lieutenant commander; Construction Corps, 2 commanders and 3

lieutenant commanders; Civil Engineer Corps, 1 commander and 1 lieutenant commander; Dental Corps, 1 commander and 2 lieutenant commanders. If the officers so designated are not recommended for advancement or again designated for retention on the active list, they shall be transferred to the retired list in accordance with the provisions of this act.

Sec. 7. If at the end of any fiscal year the number of involuntary transfers to the retired list from the ranks of commander or lieutenant commander of the staff corps would exceed the limits set forth in section 6 of this act, and there has been no selection board convened during the fiscal year to recommend officers of those ranks for advancement in the staff corps concerned, special boards shall be convened by the Secretary of the Navy on or about June 1 preceding the end of the fiscal year to designate by name such excess of officers to be retained on the active list as provided in section 6 of this act. Each such board shall be constituted as provided by law for selection boards for the staff corps concerned.

Sec. 8. All transfers to the retired list pursuant to this act shall be made as of June 30 of the current fiscal year. Officers retired pursuant to this act shall receive pay at the rate of 2½ percent of their active-duty pay, multiplied by the number of years of service for which they were entitled to credit in computation of their longevity pay on the active list, not to exceed a total of 75 percent of said active-duty pay: *Provided*, That a fractional year of 6 months or more shall be considered a full year in computing the number of years of service by which the rate of 2½ percent is multiplied.

Sec. 9. As soon as practicable after the date of this act, boards for the selection of staff officers for advancement to the ranks of captain and commander shall be appointed by the Secretary of the Navy in accordance with existing law. Each such board shall recommend for advancement to the ranks hereinafter listed in the corps for which it was appointed, from those staff officers of the next lower rank in said corps who are eligible for consideration, such officers, not to exceed the number furnished it by the Secretary of the Navy. The number furnished the boards appointed in execution of this section, in addition to such numbers, if any, as would otherwise be furnished such boards as the result of computations required by law for the corps and ranks concerned, shall be: For the Medical Corps, 11 for advancement to the rank of captain and 18 for advancement to the rank of commander; for the Supply Corps, 1 for advancement to the rank of captain and 10 for advancement to the rank of commander; for the Civil Engineer Corps, 1 for advancement to the rank of commander; for the Construction Corps, 4 for advancement to the rank of captain. If a selection board does not recommend a number of officers for advancement to any rank equal to the number furnished to that board for that rank by the Secretary of the Navy, the difference between the number actually recommended by the board and the number furnished the board by the Secretary of the Navy may be added by the Secretary of the Navy to the number furnished by him to the next succeeding board.

Sec. 10. That section 10 of the act approved June 10, 1926 (44 Stat. 720-721; U. S. C., Supp. VII, title 34, sec. 3481), is hereby repealed.

If the running mate of a staff officer be promoted to a higher rank and such staff officer be considered by a selection board for such rank but fails to be selected for advancement thereto, by the report of such board as approved by the President, such staff officer shall have assigned as his new running mate the line officer not promoted who was next senior to his former running mate in the rank in which the staff officer remains; if there remain in that rank no line officer who was senior therein to such former running mate, such staff officer shall not have assigned a new running mate, but shall retain his former running mate who has been promoted: *Provided*, That if subsequently selected such staff officer when advanced to the higher rank, shall have assigned as his running mate that line officer who would have been his running mate had said staff officer been recommended by the selection board which first considered him for the higher rank; except that if the running mate who would be so assigned him be senior to the running mate of an officer in his own staff corps made next senior to him in the higher rank, as determined by the order of their selection for advancement thereto, the running mate assigned him shall be that officer who had been assigned as the running mate of said next senior staff officer on the latter's advancement, and officers of the same staff corps thereby having the same running mate shall have precedence in said higher rank as determined by the order of their selection for advancement thereto: *Provided further*, That those officers of the staff corps with the rank of captain, who when eligible for consideration by a selection board for the rank of rear admiral, are not selected, shall retain their running mates; and if subsequently advanced to the rank of rear admiral shall have running mates assigned as required by the proviso next preceding. The provisions of this section shall be applicable to the cases of all staff officers now on the active list who have been advanced or have been eligible for consideration by a selection board for advancement to the rank of commander and above since June 10, 1926: *And provided further*, That no officer shall, by virtue of this section, receive any increased pay or allowances for any period prior to the date of this act.

Sec. 11. That section 4 of the act approved June 10, 1926 (44 Stat. 719; U. S. C., Supp. VII, title 34, sec. 348c), is hereby amended to read as follows:

"Hereafter all staff officers in the Navy, when of the same rank as their running mates or of the rank for which their running mates have been selected, shall take precedence with all other line and



staff officers of the same rank from the dates stated in the commissions or which in due course will be stated in the commissions of their running mates in said rank, and ahead of all line officers junior to their respective running mates. Such staff officers of a higher rank than the rank held by their running mates until their running mates have been selected for such higher rank shall take precedence with all line and staff officers of the rank then held by them in accordance with the date stated in the commission of the junior line officer in such higher rank; staff officers of a lower rank than the rank held by their running mates shall take precedence with all line and staff officers of the same rank in accordance with the dates stated in the commissions that had been held by their running mates in such lower rank, and ahead of all line officers in such rank who were junior therein to their respective running mates: *Provided*, That except as otherwise provided herein, officers having the same rank and the same date of precedence in that rank shall take precedence in the following order: (a) Line officers, (b) medical officers, (c) officers of the supply corps, (d) chaplains, (e) naval constructors, (f) civil engineers, (g) dental officers: *Provided further*, That staff officers assigned running mates in accordance with this act, if thereafter assigned new running mates, shall have with respect to other staff officers who also have as their running mates the new running mates so assigned, the precedence held by them prior to the assignment of such new running mates."

SEC. 12. If any staff officer who has been recommended for advancement to the rank of captain or commander by the report of a selection board as approved by the President fails to receive such advancement by reason of failure to qualify upon examination therefor or because of his removal from the active list for any cause, the number to be furnished the next ensuing selection board for the corps and rank concerned shall be increased accordingly.

SEC. 13. That all laws or parts of laws, so far as they are inconsistent with or in conflict with the provisions of this act, are hereby repealed.

Mr. VINSON of Georgia. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: On page 3, line 2, strike out the word "once" and insert in lieu thereof the word "twice."

The amendment was agreed to.

Mr. VINSON of Georgia. Mr. Speaker, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: Page 3, line 20, strike out the word "one" and insert in lieu thereof the word "two."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ANDREWS of New York. Mr. Speaker, I ask unanimous consent to return to Calendar No. 126.

Mr. TRUAX. Mr. Speaker, I object.

#### EMIGRATION OF CERTAIN FILIPINOS

Mr. KRAMER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6464) to provide means by which certain Filipinos can emigrate from the United States, with an amendment.

The Clerk read the bill and the amendment, as follows:

A bill to provide means by which certain Filipinos can emigrate from the United States

*Be it enacted, etc.*, That any native Filipino residing in any State or the District of Columbia on the effective date of this act, who desires to return to the Philippine Islands, may apply to the Secretary of Labor, upon such form as the Secretary may prescribe, through any officer of the Immigration Service for the benefits of this act. Upon approval of such application, the Secretary of Labor shall notify such Filipino forthwith, and shall certify to the Secretary of the Navy and the Secretary of War that such Filipino is eligible to be returned to the Philippine Islands under the terms of this act. Every Filipino who is so certified shall be entitled, at the expense of the United States, to transportation and maintenance from his present residence to a port on the west coast of the United States, and from such port, to passage and maintenance to the port of Manila, Philippine Islands, on either Navy or Army transports, whenever space on such transports is available, or on any ship of United States registry operated by a commercial steamship company which has a contract with the Secretary of Labor as provided in section 2.

SEC. 2. The Secretary of Labor is hereby authorized and directed to enter into contracts with any railroad or other transportation company, for the transportation from their present residences to a port on the west coast of the United States of Filipinos eligible under section 1 to receive such transportation, and with any commercial steamship company, controlled by citizens of the United States and operating ships under United States registry, for transportation and maintenance of such Filipinos from such

ports to the port of Manila, Philippine Islands, at such rates as may be agreed upon between the Secretary and such steamship, railroad, or other transportation company.

SEC. 3. The Secretary of Labor is authorized and directed to prescribe such rules and regulations as may be necessary to carry out this act, to enter into the necessary arrangements with the Secretary of War and the Secretary of the Navy, to fix the ports on the west coast of the United States from which any Filipinos shall be transported and the dates upon which transportation shall be available from such ports, to provide for the identification of the Filipinos entitled to the benefits of this act, and to prevent voluntary interruption of the journey between any port on the west coast of the United States and the port of Manila, Philippine Islands.

SEC. 4. No Filipino who receives the benefits of this act shall be entitled to return to the continental United States.

SEC. 5. There is hereby authorized to be appropriated from moneys in the Treasury not otherwise appropriated, amounts necessary to carry out the provisions of this act. All amounts so appropriated shall be administered by the Secretary of Labor, and all expenses, including those incurred by the Navy and War Departments, shall be charged thereto.

SEC. 6. No application for the benefits of this act shall be accepted by any officer of the Immigration Service after December 1, 1936; and all benefits under this act shall finally terminate on December 31, 1936, unless the journey has been started on or before that date, in which case the journey to Manila shall be completed.

SEC. 7. Nothing in this act shall be construed as authority to deport any native of the Philippine Islands, and no Filipino removed from continental United States under the provisions of this act shall hereafter be held to have been deported from the United States.

The SPEAKER. Is a second demanded?

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. KRAMER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KRAMER. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Speaker, when this bill was first reported by the committee my opposition to it was based on the ground that there was no section in the bill providing that after the Filipinos had been deported they could not be readmitted. Many of us believed it would not be right to spend the public funds to send these people home if they could return in a short time or at any time. Since then, however, it has been agreed that an amendment would be offered to the bill which would make it impossible for these Filipinos to return to the United States; and with this amendment it occurs to me that this is a good bill.

A great deal has been said on the floor of the House challenging some of the figures I have quoted in reference to the number of aliens who are illegally in the country. The best estimates that I have been able to procure show that there are at this very moment nearly 1,500,000 aliens on public relief.

In the city of New York alone there are 55,000 aliens being supported by public funds; and while we are preparing to spend nearly \$5,000,000,000 for the purpose of putting 3,500,000 people to work, it must be interesting to the American people to consider that from 1,000,000 to 1,500,000 aliens are living from public funds. There is not another country on the face of the earth that would tolerate this condition. Many other countries have enacted laws providing that no alien can work unless the alien secures a permit to work, and the alien cannot secure that permit if there is any citizen of that country unemployed and capable of filling the job.

We have in this country, according to the best evidence, 7,500,000 aliens, 6,000,000 of whom are deriving their livelihood directly or indirectly from jobs that American citizens could fill and would fill if we had the same laws in this country that are in force in other nations.

The Governor of the great State of Colorado has recently issued a proclamation to the effect that unless the situation is relieved in his State, we will call out the National Guard to rectify it; and the State of California has passed a resolution calling upon the Congress of the United States to deport aliens in that State who came into the United States in defiance of the laws of the land.

It seems to me there could not be any reason why anyone would oppose this bill. The aliens are here; they are willing to leave. They should be provided with funds to leave if at the time they leave we say to them: "You cannot reenter the United States of America." If I had my way about it, and if some Members of the House had their way we would not stop with making it voluntary, we would go further and provide by law that all aliens who defied the laws of this country when they entered, knowing at the time what our laws were, and those who were smuggled in shall be deported. In fact we have figures to show that 500,000 aliens deserted as seamen in the past 13 years and were lost in the population of the United States. In 1900 we had 105,000 Mexicans in the United States; in 1930 we had 1,440,000; in 1920 we had about 457,000 Mexicans; and between 1920 and 1930 we admitted about 416,000 while the census of 1930 showed 1,422,533. Yet there are those who say that the estimate that there are 3,500,000 aliens unlawfully in this country is incorrect, when between 1920 and 1930 more than 500,000 Mexicans entered illegally, and this does not take into consideration the known departures. I would refer them to the records. If they take the number of Mexicans who legally entered the United States from the year 1900 to the year 1930 and compare it with the number who left, according to the records of the Department, and the number shown by the census of 1930 they will get some idea of the number of aliens illegally here. I think, therefore, it is a conservative estimate to say that there are at least 3,500,000 of these aliens in the United States. My own belief is that there are many more. Those who are criminals and those who entered this country unlawfully should be deported the same as Germany deports this class of aliens, the same as France does, the same as England does. There are few enlightened and progressive countries on the face of the earth—and I challenge anybody to deny this statement—that do not provide by law or policy that an alien cannot work so long as there is a citizen of that country capable of holding the job.

I submit that if we are going to use public funds to undertake to put 3,500,000 people to work, we should deport the 3,500,000 aliens unlawfully in our midst, who are either holding jobs or are on relief. Today, in the United States, we are perplexed and struggling with the unemployment problems which were transferred to the United States from foreign lands.

Mr. STUBBS. Mr. Speaker, I would like to say that I have such a bill now pending before the Committee on Labor.

I would like for my colleague, the gentleman from Texas, to insist that the bill be reported out, in order that we may have an opportunity to vote on it here in the House.

Mr. DIES. I will tell the gentleman what we are going to do. We are going to have an opportunity to vote on these bills in this House. There is no use for anyone to undertake by subterfuge or parliamentary strategy to continue to delay this matter. I have bills pending before the Immigration Committee that I have not been able to secure a hearing on. There is none of us who is harsh or inhuman about this matter. In my bill I have provided methods to reunite families under proper safeguards, if they are not public charges, and do not take jobs away from American citizens. In the United States today there are about 16,500,000 foreign born. Anyone with any mathematical accuracy at all may figure out that if they had been refused admission there would not be any serious unemployment problem in the United States today.

Mr. BLANTON. Will the gentleman yield?

Mr. DIES. I yield to the gentleman from Texas.

Mr. BLANTON. If I understand my colleague, who is posted on this subject, there are 16,000,000 foreign-born people today in the United States?

Mr. DIES. That is true.

Mr. BLANTON. There are 6,500,000 aliens who are now holding jobs here or else are on relief?

Mr. DIES. Yes.

Mr. BLANTON. And the gentleman said, and it is a fact, the best evidence we have here is that there are 3,500,000 aliens unlawfully in this country?

Mr. DIES. That is true. I can prove by the figures of the Department itself and by simple mathematics that there are 3,500,000 aliens in this country unlawfully. When we undertake to provide for adequate deportation laws, there are some who say, "Oh, you are narrow minded and bigoted." They say it is based on racial prejudice or religious bigotry. Those statements are made in spite of the fact that every other country today is deporting such aliens. France has deported thousands of aliens. You talk about France not having an unemployment problem. One reason that France has only 313,000 unemployed, as compared with our 10,000,000 unemployed, is that France writes on your passport when you go there "Not good for any salaried job" and she has been deporting them and sending them across the border. Under the laws of Germany when you live in that country today they can make you transfer your property to Germany and accept marks in return. Germany will not permit an alien to hold a job so long as there is a German citizen to fill it. The same thing is true in the Netherlands and even Mexico will not admit anyone unless they can show they have 20,000 pesos and they cannot take a job there that a native Mexican can fill. In England, Belgium, and other enlightened nations aliens cannot hold jobs which their own citizens can fill.

Mr. SADOWSKI. Will the gentleman yield?

Mr. DIES. I yield to the gentleman from Michigan.

Mr. SADOWSKI. What was the population of this country in 1873?

Mr. DIES. The population of this country after the War between the States was 31,000,000 people. Of that 31,000,000 people one-eighth was foreign stock. Today one-third of your population is foreign stock. I have no prejudice against them.

Mr. SADOWSKI. Will the gentleman answer the question?

Mr. DIES. I have answered the question.

Mr. SADOWSKI. Does the gentleman know what our population was in 1873?

Mr. DIES. I have answered the gentleman's question. After the War between the States the population was about 31,000,000. There was not much immigration between 1860 and 1873.

[Here the gavel fell.]

Mr. BLANTON. I yield to my colleague the distinguished gentleman from Texas 5 minutes additional.

Mr. SADOWSKI. We had a great depression in 1873. Our population then was about 30,000,000 less than it is now.

Mr. DIES. The gentleman is an advocate of the theory that the more people you get here the more consumers you will have.

Mr. SADOWSKI. No; I do not advocate that, but the gentleman's argument is not logical when he says that the depression is caused by the great volume of foreign-born people here.

Mr. DIES. I did not say the depression was caused by immigration. We might have had a depression anyway. I do say to the gentleman and to all people that if we had refused admission to the 16,500,000 foreign born in our midst today we would not have the serious unemployment which we do have.

Mr. SADOWSKI. I want to make myself clear. I am not opposing this Filipino bill. But the gentleman's argument is not logical when he says that the depression is because of the fact that we have so many foreign-born people here. That argument does not make sense.

Mr. DIES. I did not say that. I said if we had not admitted the 16,500,000 we would not have 10,000,000 unemployed. If the gentleman understands ordinary mathematics, he can figure that out for himself. I am not saying this in prejudice to the Jew or the Italian or anyone else. I say it is in the interest of the naturalized citizens of this



country just the same as it is in the interest of the native-born citizens that we exclude these people in the future.

Mr. BEAM. Will the gentleman yield?

Mr. DIES. I yield to the gentleman from Illinois.

Mr. BEAM. I was interested in the statement of the gentleman that there were 16,000,000 foreign born in America.

Mr. DIES. Yes.

Mr. BEAM. How many are naturalized?

Mr. DIES. Of the 16,000,000 foreign born, all but about 7,500,000.

Mr. BEAM. Does the gentleman feel that when a foreign-born citizen comes over here and subscribes to our citizenship oath and becomes naturalized he should not be entitled under the American form of Government to the same rights as the native born?

Mr. DIES. I said nothing of the kind. When a man becomes a citizen of this country he is a citizen. I am not talking about those. I am talking about the aliens who are illegally and unlawfully in this country, the ones who ought to be deported. Now, I am not going to enter into an argument on this subject. If the gentleman will ask me a question I will answer it.

Mr. BEAM. I want to get the gentleman's thought, to which the House is entitled. If a man is naturalized in America and takes the oath of allegiance to the American flag, is he entitled to the same privileges and prerogatives of the ordinary native-born American citizen?

Mr. DIES. Yes. What I say is not directed in a spirit of prejudice or bias toward the naturalized citizens of this country. What I say to the gentleman is that the naturalized citizens, the same as the native-born citizens of this country, are entitled to the same protection that other countries give their citizens.

I want to say to the gentleman right now, according to your State Department there are 970,000 aliens who will enter the United States when the administrative temporary restriction, which was put into effect in 1930, is relaxed; and it is being relaxed, according to the State Department's own admission. What I do say to the gentleman is that neither you nor any other man can permanently cure the problem of unemployment as long as you admit to this country new-seed immigration, and I am not talking about the matter of reuniting families under proper safeguards.

Mr. BEAM. I want to ask the gentleman—

Mr. DIES. I am making this speech—the gentleman can get his own time.

Mr. BEAM. Will the gentleman yield?

Mr. DIES. I have only a few minutes.

Mr. BEAM. Just one second, because this is important. The gentleman stated there are 16,000,000 foreign born here and that if they had not been admitted there would be no depression, and then the gentleman—

Mr. DIES. Mr. Speaker, I do not yield.

Mr. BEAM. Then the gentleman states they are entitled to all the rights—

Mr. BLANTON. Mr. Speaker, I make the point of order the gentleman from Illinois should obey the rules.

Mr. DIES. While we are on this point why not be frank and sincere about this question? Why is it we are not permitted in this House to vote on the question of whether or not we are going to permanently close, lock, and bar the gates of this country to new-seed immigration, deport aliens unlawfully here, and give the jobs to Americans? Why not make available, under your quota, admissions solely for the purpose of reuniting your families under proper safeguards, and why not by vigorous enforcement and adequate legislation deport those who are unlawfully in this country and get rid of them, as well as new-seed immigration, if you want to solve the problem of unemployment? [Applause.]

[Here the gavel fell.]

Mr. KRAMER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, this bill provides for the return to the Philippine Islands of Filipinos who desire to go there, the expense to be paid by the United States

Government. There is no compulsion about it. Government transports will be used to carry them.

Heretofore I have been opposed to this bill because it carried a provision to the effect that some of the Filipinos benefited thereunder might come back. And I have opposed it for other reasons also. The proponents of this bill today have agreed with me on an amendment to the effect that none of these Filipinos who take advantage of this act shall ever be permitted to come back. With this amendment added, speaking only for myself, I have withdrawn the opposition I have heretofore manifested to the bill. It might be interesting for you to know that the Filipinos are not permitted to become citizens. Their offspring may become citizens if born here. Now that they are getting their independence and as a nation rather favor this bill, it is likely there will be no soreness about it.

I do not know that it is absolutely the proper thing to do to pass this bill but in view of the fact there is so much unemployment, and in view of the fact there are so many Filipinos who want to go back, and in view of the fact there are so many of them on relief, I do not know why it would not be a good thing to send them back. Those who are interested in these problems advocated the measure and, consequently, I am ready to withdraw my objection. [Applause.]

[Here the gavel fell.]

Mr. KRAMER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. BLANTON. And, Mr. Speaker, I yield the gentleman 5 minutes.

Mr. DICKSTEIN. Mr. Speaker, the proposal of this bill has been before my committee for 3 years. We came to this House a number of years ago, appealed to the wisdom of the House to give this relief by repatriating the Filipinos, and we have, as a result of that consideration, accomplished something.

After my bill (H. J. Res. 71) was objected to this session on the last Consent Calendar day, the matter was discussed with me by the gentleman from California [Mr. KRAMER] and he suggested reporting out a new bill. I did not hesitate a minute to question whether it came from this side of the aisle or the other side of the aisle, and the committee reported out the Welch bill which is along practically the same lines as the Dickstein bill, except for the fact there are some provisions in this measure differing from the other bill quite extensively. However, this bill is a very good bill and I think this House ought to pass it today.

I think it is entirely unfair for some Members to say that they would like to send all the aliens out of the country. If you read the speech I made a few weeks ago you have seen that I have given you figures which I based upon facts of the last census, and the figures ascertained from the last census do not compare with the figures given by my friend, the gentleman from Texas [Mr. DIES].

The records of the 1930 Census with added figures secured from the Labor Department for subsequent years, which I stated in my earlier speech, show in round figures the following.

In 1930 there was found to be about 14,204,150 persons of foreign birth residing in the United States and Territories. Many of these foreign-born residents had come here 10, 15, 20, or 30 years ago and about 9,185,950 of them had become citizens or had filed their declarations of intention to become citizens—over 7,915,950 had become fully naturalized citizens and about 1,270,000 had filed their declarations of intention—so that in the census there were found here only about 6,018,200 persons of foreign birth who had not at that time become citizens or made declarations of intention to become citizens. These were the only real aliens in the United States when the 1930 census was taken.

Of these, it is estimated that perhaps 248,200 have since died, and further reduction resulted by the fact that since 1930 there have been about 230,000 more foreign-born persons left the United States than there were foreign-born persons admitted into the United States. In addition the records indicate that since the 1930 census was taken, about

657,125 foreign-born persons have become citizens under some part of our naturalization laws and perhaps 882,875 have now filed their declarations of intention to become citizens.

Most of these foreign-born persons are self-reliant, self-supporting, law-abiding residents; many of them, especially those of them who are citizens or declarants, hold positions of responsibility both in private business and in government activities.

So I cannot see the logic of the arguments when you say that if we had not let these 14,204,150 foreign-born persons, who were here in 1930, come into this country—only about 4,000,000 of whom are now actually aliens—we would now have 14,000,000 jobs for American workmen who were born here. I suppose if we had no Indians here, we might then have plenty of work now in the United States; and we might give a number of similar illustrations which would show all such talk is all tommyrot.

If an alien has been permitted under our laws to come here and is behaving himself in our midst, and is subscribing to our laws and Constitution, I state that he has committed no wrong; and I say further that, even if he has not yet chosen to take the first steps under our laws toward becoming a citizen, he is entitled to the protection and equal opportunity under our laws, and is entitled also to the proper protection of the provisions, as an alien, of section 20 of the act of March 4, 1909. (See sec. 52 under title 18 of the United States Code, on p. 462 of 44 Stat. pt. 1.) I claim we should legislate to help him in any desire he may have, to become a citizen rather than blame him for the economic difficulties of this country.

I reiterate that I doubt if there are more than 4,000,000 persons of foreign birth now in the United States who were lawfully admitted under our immigration laws and who at this time have not either become citizens or filed declarations to become citizens; in other words, still are, properly speaking, aliens here.

I know of no way that anything like an accurate estimate can be made to show the number of foreign-born persons in the United States who have come here without being lawfully admitted under some provisions of our immigration laws.

Why pick on the alien all the time, simply because he is foreign born? They are entitled to the protection of our laws. What you ought to do now is to pick on the criminal who is an alien, and I am here to cooperate with the House to deport all these alien criminals who are in the United States, irrespective of the number of crimes that may have been committed since their arrival in this country.

My committee has before it at the present time a bill that will do that very thing. It will create a power in departments to deport all alien habitual criminals in the United States to their respective native countries, and, once deported, they will have to stay out of the United States. This bill, I sincerely hope, will be reported next week. That answers the question of my friend Mr. Dies and others who want to deport these alien criminals, but for humanity sake let us not disturb families whose breadwinner is in the non-criminal classes and who has in many cases been here 15 to 20 years. In the first place, you could not now deport them, and, in the second place, you have no law under which you could deport them, because they have committed no wrong or criminal act in this country.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. DIES. The gentleman certainly sees a distinction between aliens legally here and those illegally here? Is the gentleman in favor of deporting all aliens who are illegally in the United States?

Mr. DICKSTEIN. I am prepared to deport from the United States those who have violated any law—

Mr. DIES. Those illegally in the country?

Mr. DICKSTEIN. Those illegally in the country, with a criminal record against them.

Mr. DIES. Then, why talk about citizens?

Mr. DICKSTEIN. Oh, the gentleman brought up the question of citizenship himself, and he said that if we had not permitted these 16,000,000 aliens to come here we would have 16,000,000 jobs for Americans. I say that that argument is beside the point. The gentleman will recall that a year ago I brought a bill up on this floor during the last days of the Seventy-third Congress, under suspension of the rules. That meritorious bill was defeated because most of the Members voting did not know, at that last minute, what the real purpose of the bill was. The bill was to gather in the alien gunman and the dope peddler and the alien racketeer for deportation, irrespective of whether those aliens had committed, been convicted and sentenced to 1 year or more for each of one, two, or more felonies involving moral turpitude, which the present law now requires.

Mr. BLANTON. Is the gentleman in favor of deporting all aliens who are here unlawfully?

Mr. DICKSTEIN. I am ready to deport all aliens who are here unlawfully since we passed the basic act of 1924, and who have a criminal record against them.

Mr. BLANTON. Would the gentleman report out a bill of that kind?

Mr. DICKSTEIN. We are considering one such now.

Mr. BLANTON. To deport all aliens who are here unlawfully?

Mr. DICKSTEIN. All aliens who have violated our laws since 1924.

Mr. BLANTON. Leave out the question of violation of the law after they come here. I mean all aliens who are here unlawfully.

Mr. DICKSTEIN. I am prepared to bring out a bill to this Congress to deport all criminal aliens who came here after July 1, 1924.

Mr. BLANTON. Let me ask one question. Leaving out the matter of criminals, there are aliens here unlawfully. Is the gentleman in favor of deporting all aliens who are here unlawfully?

Mr. DICKSTEIN. I am again going to present a bill to the House and let the House pass on the question.

Mr. BLANTON. The gentleman is not willing to state his own opinion on that?

Mr. DICKSTEIN. That is a long question. If I had more time I would give you my personal position upon the matter, but I am willing to abide by the will of the House.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. MARCANTONIO. An alien who comes here lawfully is an alien who has a passport and a visa.

Mr. DICKSTEIN. Yes. With proper immigration inspection at our ports of entry.

Mr. MARCANTONIO. Prior to 1880 how many aliens came to the United States with a passport and visa?

Mr. DICKSTEIN. There were no passports and no visas in those days.

Mr. MARCANTONIO. So that the distinction between lawful and unlawful is a matter of red tape.

Mr. RICH. Why should anybody, regardless of where they came from, who has lived in America for a period of 10 years or more and who does not wish to subscribe to all of the rules and regulations and laws of the country, be permitted to stay in this country?

Mr. DICKSTEIN. I am in sympathy with the gentleman and I agree with him. We have a bill that will be soon reported out, of which Mr. Dies is the author, which deals with both Fascists and Communists, and will give us a chance to deport them, as well as keep them out in the first place.

The SPEAKER. The time of the gentleman from New York has expired.

[Here the gavel fell.]

Mr. KRAMER. Mr. Speaker, I think there has been a great deal of conversation which does not apply to the purposes of the bill. There has been a great deal of discussion on matters that were foreign to this bill. This



bill gives an opportunity to send Filipinos in the United States and in the District of Columbia to the Philippine Islands, and will relieve the employment situation on the Pacific coast, and throughout the United States, and even here in the Capital. Those people are costing us now on the Pacific coast, in the matter of relief, about \$150,000 a month, and it would be a humanitarian act to send these Filipinos back home; a great many of them want to go back to their native land.

Mr. KENNEY. Mr. Speaker, will the gentleman yield?

Mr. KRAMER. Yes; I yield to my friend from New York.

Mr. KENNEY. This bill would permit any natives of the Philippine Islands to go back there, whether they be citizens of the United States or not.

Mr. KRAMER. Yes, sir; exactly so.

Mr. KENNEY. The idea is that these gentlemen have asked to go back there, thinking their future would be better in the Philippine Islands.

Mr. KRAMER. Yes.

Mr. KENNEY. I ask the gentleman whether or not the Philippine Islands are not prospering over there under a state lottery, permitted under the American flag?

Mr. KRAMER. I could not answer as to that.

Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. WELCH].

Mr. WELCH. Mr. Speaker, I sincerely regret that this humanitarian measure has offered an excuse to bring before the House at this time the entire immigration question.

The purpose of the bill under consideration, H. R. 6464, is to repatriate or return to the Philippine Islands thousands of unemployed and destitute Filipinos. As stated before, it is a decidedly humanitarian measure, and an economic one as well. From the most reliable information possible—and I refer to the United States Department of Labor Immigration Bureau—there are at this time approximately 65,000 Filipinos in the United States. About half of that number are in the State of California. The remainder are spread throughout the large cities of this country. Twenty thousand of them have indicated a desire to be returned home at the expense of our Government.

Mr. Speaker, we should remember that our Government is responsible for the presence of the Filipinos in this country.

Mr. COLDEN. Will the gentleman yield?

Mr. WELCH. I will be glad to yield to my colleague.

Mr. COLDEN. Is it not a fact that the sugar planters of the Hawaiian Islands brought thousands of these men from the Philippine Islands?

Mr. WELCH. I am going to reach that point. Under the Treaty of Paris between this country and Spain, the Filipinos were granted unrestricted entry into this country. The Hawaiian sugar plantation and mill owners lured thousands of them from the Philippine Islands to the Hawaiian Islands. Selfish employers of labor brought them to this country. In my district in San Francisco, during the prosperous period before the depression, they were paid \$2.16 a day in light industry, taking the places of men who had passed their prime, women, and boys. Therefore we are responsible for their presence here.

Before the depression the fact that they were taking the places of American labor brought about bitter feelings. Since the depression, with millions of Americans walking the streets, that feeling has been intensified to such a degree that their employers were forced to dispense with their labor, thereby forcing them on relief rolls. Nearly all of these Filipinos are young men. They have been shuffled around from pillar to post until they are objects of pity. They are our wards and have been for 35 years and will continue to be for 10 more long years. Therefore we are duty bound, as I see it, to send them to their homes, where they will be provided for by their relatives and friends.

Mr. Speaker, I sincerely hope this very worthy measure will pass.

I yield back the balance of my time.

The SPEAKER. The gentleman yields back 1 minute.

The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Speaker, much good has been accomplished by the fight that was made upon this bill. I want to compliment the gentleman from California, [Mr. KRAMER] and his colleague from California, the author of the bill, on agreeing to an amendment that has been put in the bill. The bill now is amended by a good amendment that prevents these Filipinos from ever coming back to continental United States. That is one of the things we have been fighting for, and concerning which our fight has been successful. Of course, with that amendment the bill is not so objectionable as it was before.

There is a bad precedent that will be established by this bill that I dislike to see established in the United States, that is, to pay the way back of aliens who want to take a trip home voluntarily. Whenever we start that, what is our chairman going to do if these 3,500,000 unlawful aliens say, "Pay our way back and let us go"? Of course, I want to get rid of them, but what would he do if these other 6,500,000 who are here lawfully should want their way paid back? When he gets through he will be having a May Day picnic for about 10,000,000 aliens going back to a foreign country. If we could send them back there and if we could keep them there like we are keeping these Filipinos, I would say well and good; it is money well spent; let us get rid of them. Let us keep American jobs in this country for the unemployed Americans who are entitled to the jobs and whose families are suffering now because of the unemployment.

Mr. COLDEN. Will the gentleman yield?

Mr. BLANTON. I have already yielded most of my time. I am sorry. I want to use my few minutes, please.

What are we going to do with this question? I asked the chairman a fair question, "Are you in favor of deporting these 3,500,000 aliens who came in here unlawfully?" He said, "Well, yes; if they committed crimes." Why not "yes" without that proviso? If they came in here unlawfully, why do we not make them go back, for they did not comply with the law? Why can we not get that kind of a bill passed? Between now and Monday I am going to send a bill to the gentleman's committee to require the deportation of every alien in the United States who is here unlawfully.

Mr. MARCANTONIO. Mr. Speaker, a point of order.

Mr. BLANTON. I do not yield for unauthorized points of order.

Mr. MARCANTONIO. The gentleman does not have to yield. I am making a point of order.

Mr. BLANTON. Mr. Speaker, my argument conforms to the rules and is not subject to any point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. MARCANTONIO. May I submit my point of order? My point of order is that the gentleman is not confining his remarks to the bill, which provides for the repatriation of Filipinos. He is now discussing the general immigration question.

The SPEAKER. The Chair understood the gentleman to be talking about immigration. The gentleman will proceed in order.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Mississippi.

Mr. RANKIN. Mr. Speaker, I think myself the gentleman has put his finger on the spot and that we are probably starting on a policy which will ultimately result in the deportation of 3,500,000 people. Now, he says they committed a crime when they came into this country illegally. I am not talking about the Filipinos but about those who are here unlawfully. If they were convicted of that crime, then the United States would have to pay the expenses of their deportation. Is not that right?

Mr. BLANTON. Yes; we would. That is the reason I am saying it is money well spent if we can get the committee to bring in a bill to send back every alien who is here unlawfully.

I am going to send the committee of the gentleman from New York another bill that will require every alien in the United States within 60 days after the passage of that bill to register and show at what port of entry he came into the United States, where he came from, how long he has been here, and what he is doing, what kind of a job he is holding, for whom he is working, whether or not he is on relief, and making it a felony and ground for deportation if he fails to register within the 60 days, and to deport all aliens here unlawfully. Is that a good bill?

Mr. KRAMER. Mr. Speaker, if the gentleman will yield, I have that very amendment in the bill before the committee.

Mr. BLANTON. I am going to send him that bill and send him a little bouquet with it.

Mr. DICKSTEIN. Will it be a bouquet of nice flowers?

Mr. BLANTON. A little bouquet of nice flowers to make it look inviting, and I ask from the gentleman consideration of that bill.

This bill now under consideration is going to cost \$900,000. There are 30,000 Filipinos, and the estimate I have gotten is that it will cost \$30 a piece to send them home. This will make \$900,000 to send home the 30,000 Filipinos who are staying here.

I am sorry; I cannot yield.

Mr. Speaker, two whole big election precincts in my district are made up of foreign-born citizens and their descendants; every voter in those precincts is of foreign extraction; yet every one of them is in favor right now of stopping new-seed immigration. They want this country for the benefit of Americans, both native-born and naturalized; they want it for the benefit of their children and their children's children; and many are writing me: "Mr. BLANTON, we are behind your fight to protect this country against new-seed immigration."

Why, after you pass this bill and spend \$900,000 to send these 30,000 Filipinos back home, they still have a quota. Fifty Filipinos can come in here every year.

Under the existing law the Philippine Islands have a quota of 50. Fifty Filipinos can come over here every year.

Mr. KRAMER. Not these.

Mr. BLANTON. Oh, not these, because of the amendment I got put on the bill. Why does the gentleman want to mix up tweedle-dum and tweedle-dee? The chairman of the committee [Mr. DICKSTEIN] admits that 50 Filipinos can come in here every year under their quota. If you are going to spend \$900,000 to get Filipinos out of the country why do you want to let any come in? Why do you not pass a bill to stop it from now on?

I am sorry, Mr. Speaker, but I cannot yield to the gentleman from California [Mr. WELCH]. I have already yielded the gentleman 5 minutes of my time. I should think he would appreciate my kindness in having yielded to him.

Mr. Speaker, I do not yield. I ask that these interruptions be not taken out of my time.

Go from the United States to the Philippines, even as an immigrant, and see if it does not cost \$30. The estimate that I got was that it would cost \$30 a piece to send these 30,000 Filipinos back home, or the sum of \$900,000.

[Here the gavel fell.]

The SPEAKER. The question is, Shall the rules be suspended and the bill be passed?

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### ANNIVERSARY OF ADOPTION OF ORDINANCE OF 1787 AND SETTLEMENT OF NORTHWEST TERRITORY

Mr. SECREST. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 208, to provide for the observance and celebration of the one hundred and fiftieth anniversary of the adoption of the Ordinance of 1787 and the settlement of the Northwest Territory, as amended.

The Clerk read the bill, as amended, as follows:

Joint resolution to provide for the observance and celebration of the one hundred and fiftieth anniversary of the adoption of the Ordinance of 1787 and the settlement of the Northwest Territory

*Resolved, etc.,* That there is hereby established a commission to be known as the "Northwest Territory Celebration Commission" (hereinafter referred to as the "Commission") and to be composed of 14 commissioners, as follows: The President of the United States; 2 Members of the Senate, 1 from each of the two major parties, to be appointed by the President of the Senate; 2 Members of the House of Representatives, 1 from each of the two major parties, to be appointed by the Speaker of the House of Representatives; the Regent of the State chapter of the Daughters of the American Revolution of each of the 6 States formed from the Northwest Territory, namely, Ohio, Indiana, Michigan, Illinois, Wisconsin, and Minnesota; and 3 individuals from private life, to be appointed by the President of the United States. The commissioners shall serve without compensation and shall select a chairman from among their number.

SEC. 2. It shall be the duty of the Commission to prepare and carry out a comprehensive plan for the observance and celebration of the one hundred and fiftieth anniversary of the adoption of the Ordinance of 1787 and the settlement of the Northwest Territory. In the preparation of such plan, the Commission shall cooperate, insofar as is possible, with the several States and particularly with the States of Ohio, Indiana, Michigan, Illinois, Wisconsin, and Minnesota, and shall take such steps as may be necessary in the coordination and correlation of plans prepared by State commissions, by agencies appointed by the governors of the several States, and by representative civic organizations.

SEC. 3. (a) Without regard to the civil-service laws or the Classification Act of 1923, as amended, the Commission is authorized to appoint and prescribe the duties and fix the compensation (not to exceed \$5,000 per annum) of a director and such other employees as are necessary in the execution of its functions.

(b) The Commission may make such expenditures as are necessary to carry out the intent and purposes of this resolution, including all necessary traveling expenses and subsistence expenses incurred by the commissioners.

(c) The Commission shall cease to exist within 6 months after the date of the expiration of the celebration.

SEC. 4. There is authorized to be appropriated the sum of \$75,000, or so much thereof as may be necessary to carry out the purposes of this joint resolution.

The SPEAKER. Is a second demanded?

Mr. TRUAX and Mr. JENKINS of Ohio rose.

The SPEAKER. Is the gentleman from Ohio [Mr. JENKINS] opposed to the bill?

Mr. JENKINS of Ohio. I am opposed to the bill with the last amendment in it. I want the bill to provide for \$100,000 and not for \$75,000. I think this project is a big thing and is worthy of Government support.

The SPEAKER. Is the gentleman from Ohio [Mr. TRUAX] opposed to the whole bill?

Mr. TRUAX. I am opposing the bill as it will be offered.

The SPEAKER. The Chair did not understand the qualification of the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, I am opposed to the bill as it reads at the present time.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. JENKINS], a member of the minority.

Mr. TRUAX. Mr. Speaker, I make the point of no quorum.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 6143. An act to extend the time during which domestic animals which have crossed the boundary line into foreign countries may be returned duty free.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1803. An act to authorize the Secretary of War to pay certain expenses incident to the training, attendance, and participation of the equestrian and modern pentathlon teams in the Eleventh Olympic Games.

#### BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:



H. R. 6143. An act to extend the time during which domestic animals which have crossed the boundary line into foreign countries may be returned duty free.

#### ADJOURNMENT

Mr. RANKIN. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until tomorrow, Tuesday, May 21, 1935, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON THE POST OFFICE AND POST ROADS

(Tuesday, May 21, 10 a. m.)

Subcommittee no. 10 will hold hearings on bill (H. R. 7506), to provide for a stenographic grade in the offices of the chief clerk and superintendent in the Railway Mail Service, in room 213, old House Office Building.

##### COMMITTEE ON THE PUBLIC LANDS

(Tuesday, May 21, 10 a. m.)

Committee will hold hearings on various bills.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

347. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Post Office Department for the fiscal year 1936, in the amount of \$1,850,000, for transportation of foreign mail by aircraft across the Pacific Ocean between California and China (H. Doc. No. 191); to the Committee on Appropriations and ordered to be printed.

348. A communication from the President of the United States, transmitting draft of a proposed provision pertaining to the appropriation contained in the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (Public Resolution No. 11, 74th Cong.) (H. Doc. No. 192); to the Committee on Appropriations and ordered to be printed.

349. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Commerce for the fiscal year 1936, amounting to \$76,700 (H. Doc. No. 193); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KELLER: Committee on the Library. House Joint Resolution 232. Joint resolution authorizing the erection of an equestrian statue of Gen. Robert E. Lee in the Arlington National Cemetery; without amendment (Rept. No. 964). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 237. Joint resolution for the establishment of a trust fund to be known as the "Oliver Wendell Holmes Memorial Fund", with amendment (Rept. No. 965). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 265. Joint resolution pertaining to an appropriate celebration of the four hundredth anniversary of the expedition of Hernando De Soto; with amendment (Rept. No. 966). Referred to the Committee of the Whole House on the state of the Union.

Mr. KNUTE HILL: Committee on Irrigation and Reclamation. H. R. 7873. A bill to give the consent and approval of Congress to the extension of the terms and provisions of the present Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929, and heretofore approved by act of Congress dated June 17, 1930 (Public, No. 370, 71st Cong., 46 Stat. 767); without amendment (Rept. No. 967). Referred to the House Calendar.

Mr. CONNERY: Committee on Labor. H. R. 7978. A bill to promote equality of bargaining power between employers and employees, to diminish the causes of labor disputes, to create a National Labor Relations Board, and for other purposes; without amendment (Rept. No. 969). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 7870. A bill to provide a preliminary examination of the Purgatoire (Picketwire) and Apishapa Rivers, in the State of Colorado, with a view to the control of their floods and the conservation of their waters; without amendment (Rept. No. 970). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 7652. A bill to authorize the furnishing of steam from the central heating plant to the Federal Reserve Board, and for other purposes; without amendment (Rept. No. 971). Referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3912) to amend an act for the relief of Clarence R. Killion; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 8018) granting an increase of pension to Mary I. Pingrey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 8130) providing that the unexpended balance of the appropriation for grasshopper control, contained in the Agricultural Department Appropriation Act of 1935, remain available during the fiscal year ending June 30, 1936; to the Committee on Appropriations.

By Mr. CARY: A bill (H. R. 8131) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Owensboro, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. COLDEN: A bill (H. R. 8132) to provide for the construction of a post-office building in Wilmington, Calif.; to the Committee on Public Buildings and Grounds.

By Mrs. GREENWAY: A bill (H. R. 8133) to authorize certain homestead settlers or entrymen who are disabled World War veterans to make final proof of their entries, and for other purposes; to the Committee on the Public Lands.

By Mr. PEARSON: A bill (H. R. 8134) to change the name of Pickwick Landing Dam to McKellar Dam; to the Committee on Military Affairs.

By Mr. RANKIN: A bill (H. R. 8135) to provide for the development of the Tennessee Valley and Tombigbee River Inland Waterway, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. STEFAN: A bill (H. R. 8136) authorizing the Decatur-Onawa Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE: A bill (H. R. 8137) to add public lands to the Salmon National Forest, in the State of Idaho; to the Committee on the Public Lands.

By Mr. BOEHNE: A bill (H. R. 8138) authorizing the Perry County Bridge Commission of Perry County, Ind., to construct, maintain, and operate a toll bridge across the Ohio River at or near Cannelton, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND: A bill (H. R. 8139) to provide for compensation for overtime services of local inspectors of steam vessels, United States shipping commissioners and their

deputies, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GAMBRILL: A bill (H. R. 8140) to provide for the retirement and retirement annuities of civilian members of the teaching staffs at the United States Naval Academy and the postgraduate school, the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. VINSON of Georgia: A bill (H. R. 8141) authorizing the Secretary of the Navy to accept on behalf of the United States the devise and bequest of real and personal property of the late Paul E. McDonnold, passed assistant surgeon with the rank of lieutenant commander, Medical Corps, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. DOUGHTON: Joint resolution (H. J. Res. 295) to extend until June 16, 1937, and to amend the provisions of title I of the National Industrial Recovery Act, and for other purposes; to the Committee on Ways and Means.

By Mr. KNUTE HILL: Joint resolution (H. J. Res. 296) proposing an amendment to the Constitution of the United States, prohibiting decisions of the Federal courts of the United States relative to legislative acts of the Congress of the United States; to the Committee on the Judiciary.

By Mr. WALTER: Joint resolution (H. J. Res. 297) granting consent of Congress to a compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission and specifying the powers and duties thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE: Joint resolution (H. J. Res. 298) authorizing the erection of a memorial building at Spalding State Park, Idaho, commemorating the centennial anniversary of the arrival of Dr. Henry Spalding and his wife, Eliza, in Idaho, and the beginning of civilization in the Northwest; to the Committee on Public Buildings and Grounds.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the Territory of Hawaii, memorializing Congress to send a United States Labor Commissioner to the Territory of Hawaii; to the Committee on the Territories.

Also, memorial of the Legislature of the Territory of Hawaii, regarding the issuance of certificates of citizenship to residents of Hawaii; to the Committee on the Territories.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHURCH: A bill (H. R. 8142) for the relief of C. F. Swasas; to the Committee on Claims.

By Mr. GRAY of Pennsylvania: A bill (H. R. 8143) granting a pension to Benson A. Weston; to the Committee on Invalid Pensions.

By Mr. GRISWOLD: A bill (H. R. 8144) for the relief of Thomas J. Gardner; to the Committee on Military Affairs.

By Mr. GUYER: A bill (H. R. 8145) granting a pension to Hubert L. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8146) granting an increase of pension to Frances Edna Morrow; to the Committee on Invalid Pensions.

By Mr. KELLER: A bill (H. R. 8147) for the relief of Minnie and Ellen Barber; to the Committee on Claims.

By Mr. McKEOUGH: A bill (H. R. 8148) for the relief of Mildred Lane; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 8149) granting an increase of pension to Hanna Rookus; to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 8150) granting a pension to Flora B. Thomas; to the Committee on Invalid Pensions.

By Mr. SHORT: A bill (H. R. 8151) granting a pension to Ruth Ann Breedlove; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 8152) granting a pension to Ellogene E. Raymond; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 8153) granting an increase of pension to Julia Peart; to the Committee on Pensions.

Also, a bill (H. R. 8154) granting an increase of pension to Eliza Hoag; to the Committee on Pensions.

By Mr. WALTER: A bill (H. R. 8155) granting an increase of pension to Mary M. Snyder; to the Committee on Pensions.

By Mr. WIGGLESWORTH: A bill (H. R. 8156) for the relief of Lt. Leo L. Waite; to the Committee on Naval Affairs.

By Mr. BLOOM: A bill (H. R. 8157) authorizing the appointment and retirement of Parker C. Kallock, Jr., as a major, United States Army; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8520. By Mr. ANDREW of Massachusetts: Memorial of the General Court of Massachusetts, favoring additional appropriations for the Home Owners' Loan Corporation; to the Committee on Banking and Currency.

8521. By Mr. BUCKBEE: Petition of the House of Representatives, State of Illinois, asking for legislation covering a special commemorative postage stamp in honor of the one hundred and fiftieth anniversary of the termination of Commodore John Barry's services with the American Revolutionary forces; to the Committee on the Post Office and Post Roads.

8522. By Mr. CONNERY: Resolutions of the General Court of Massachusetts, memorializing Congress in favor of requesting the President of the United States to exercise certain powers under the National Industrial Recovery Act for the benefit of the cotton-textile industry; to the Committee on Ways and Means.

8523. Also, resolutions of the General Court of Massachusetts, seeking national unemployment-insurance legislation; to the Committee on Ways and Means.

8524. Also, resolutions of the General Court of Massachusetts, requesting the National Recovery Administration to grant to Massachusetts boot and shoe manufacturers and others relief from unfair competition; to the Committee on Ways and Means.

8525. Also, resolutions of the Revere Aerie, No. 781, of the Fraternal Order of Eagles, urging Congress to support that part of the social-security bill which provides for Federal monetary assistance to the States paying old-age pensions; to the Committee on Ways and Means.

8526. By Mr. HEALEY: Resolution of the board of directors of the New England Milk Producers' Association, favoring the continuance of the Agricultural Adjustment Act and the passage of the amendments to that act now pending in Congress as House bill 7088, in order that the purchasing power of the dairy farmer may be sustained and protected; to the Committee on Agriculture.

8527. By Mr. HULL: Resolution of the Menomonie National Farm Loan Association, Menomonie, Wis., relating to stock in National Farm Loan Association; to the Committee on Agriculture.

8528. By Mr. HIGGINS of Massachusetts: Resolution memorializing Congress in favor of additional appropriations of money for use by the Home Owners' Loan Corporation in continuing its activities; to the Committee on Banking and Currency.

8529. Also, resolutions memorializing Congress for the enactment of Federal legislation to substitute another tax for the discriminatory tax on cigarettes selling at a low price; to the Committee on Ways and Means.

8530. By Mr. HULL: Resolution of the Dunn County National Farm Loan Association, of Wisconsin, urging the enactment of the Frazier-Lemke farm refinancing bill (H. R. 2066); to the Committee on Agriculture.

8531. By Mr. JOHNSON of Texas: Memorial of R. H. Smith, general chairman, and W. J. Smith, assistant chairman, Brotherhood of Maintenance of Way Employees, Corsi-



cana, Tex., favoring House Joint Resolution 219; to the Committee on Interstate and Foreign Commerce.

8532. By Mr. KENNEY: Petition of Local Union No. 1414, U. B. of C. and J. of America, Hackensack, N. J., endorsing the Major Jenny rapid transit plan; to the Committee on Interstate and Foreign Commerce.

8533. By Mr. LAMBERTSON: Petition signed by C. H. Pumphrey and a number of other citizens of Rossville, Kans., providing for regulation of interstate highway transportation; to the Committee on Interstate and Foreign Commerce.

8534. Also, petition signed by P. W. Stewart and a number of other citizens of Topeka, Kans., urging the defeat of the so-called "Wagner Labor Disputes Act"; to the Committee on Labor.

8535. By Mr. LAMNECK: Petition of C. P. Ormerod, recording secretary, Capitol City Lodge No. 274, Columbus, Ohio, favoring the passage of House Joint Resolution 219; to the Committee on Interstate and Foreign Commerce.

8536. By Mr. LESINSKI: Resolution of the Saint Ladislaus Roman and Greek Catholic Benevolent Aid and Burial Society of Delray, Mich., endorsing the Lundeen social-insurance bill (H. R. 2827); to the Committee on Labor.

8537. Also, resolution of the Copper Country Croatian Club, No. 703, C. F. U., Calumet, Mich., endorsing the embargo bill (H. R. 6835) providing for a complete embargo on all foreign copper; to the Committee on Ways and Means.

8538. Also, House Concurrent Resolution 79 of the Michigan State Legislature, fifty-eighth session, memorializing the Congress of the United States to pass House bill no. 6835, to prohibit the importation of copper and to protect the American copper industry, including that of Michigan; to the Committee on Ways and Means.

8539. Also, resolution of the Corporal James W. Johnson Post, No. 78, Veterans of Foreign Wars, Detroit, Mich., petitioning Congress and the President of the United States that the United States be kept out of any war of aggression; to the Committee on Foreign Affairs.

8540. Also, resolution of the Federal Custodial Club of Detroit, Mich., requesting the support of House bill 7267; to the Committee on the Civil Service.

8541. Also, resolution of the cotton farmers in the State of Louisiana, endorsing the Agricultural Adjustment Administration program; to the Committee on Agriculture.

8542. Also, resolution of the board of directors of the Chamber of Commerce of Iron Mountain, Mich., urging continuation of the tax on foreign copper; to the Committee on Ways and Means.

8543. By Mr. MAPES: Petition of 53 workers and citizens of Grand Haven, Mich., recommending the passage of the Wagner labor-relations bill as originally drawn without amendments; to the Committee on Labor.

8544. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, favoring additional appropriations for loans by the Home Owners' Loan Corporation; to the Committee on Banking and Currency.

8545. By Mr. RICH: Petition of citizens of Bradford, McKean County, Pa., opposing House Joint Resolution 219; to the Committee on Interstate and Foreign Commerce.

8546. By Mrs. ROGERS of Massachusetts: Petition of the General Court of the State of Massachusetts, favoring additional appropriations of money for use by the Home Owners' Loan Corporation in continuing its activities; to the Committee on Banking and Currency.

8547. By Mr. RUDD: Petition of District Lodge No. 3, Sons of Norway, Bronx, New York City, favoring House Joint Resolution 122, requesting Leif Ericson Day on October 9 be made national holiday; to the Committee on the Judiciary.

8548. By Mr. SEGER: Petition of the Honorable Henry A. Williams, associate editor of the Morning Call, Paterson, N. J., and more than 2,000 citizens of Paterson and vicinity, favoring a constitutional amendment calling for a Nation-wide referendum before a declaration of war by Congress can become effective except in the event of invasion; to the Committee on the Judiciary.

## SENATE

TUESDAY, MAY 21, 1935

(Legislative day of Monday, May 13, 1935)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

### THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, May 20, 1935, was dispensed with, and the Journal was approved.

### THE LATE SENATOR CUTTING—EXPRESSION OF APPRECIATION

The VICE PRESIDENT laid before the Senate a letter of appreciation from Mrs. Olivia M. Cutting, mother of the late Senator Bronson Cutting, of New Mexico, which was read and ordered to lie on the table, as follows:

24 EAST SEVENTY-SECOND STREET,  
May 18, 1935.

DEAR MR. VICE PRESIDENT: On behalf of my family and myself I write to express our deep appreciation of the beautiful wreath which was sent by the United States Senate as a tribute to my son. It is with profound emotion that I thank his colleagues for this expression of their sympathy.

Sincerely yours,

OLIVIA M. CUTTING.

### TRIBUTE TO THE LATE SENATOR CUTTING

Mr. WALSH presented resolutions adopted by the Central Labor Union of Worcester, Mass., as a tribute to the memory of the late Senator Bronson Cutting, of New Mexico, and stating, in part, "That we, the members of the Central Labor Union, adopt these resolutions of sorrow and sympathy, and thus record the trade-union movement of Worcester, Mass., on the passing of a true friend", which were ordered to lie on the table.

### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolutions:

On May 10, 1935:

S. 147. An act to alter the amount apportioned to certain States for public employment offices affiliated with the United States Employment Service.

On May 14, 1935:

S. 613. An act to add certain public-domain land in Montana to the Rocky Boy Indian Reservation;

S. 707. An act to amend the act of May 19, 1926, entitled "An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the Governments of the Latin American Republics in military and naval matters; and

S. J. Res. 94. Joint resolution establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Colony of Connecticut, authorizing an appropriation to be utilized in connection with such observance, and for other purposes.

On May 15, 1935:

S. 553. An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War;

S. 559. An act to authorize settlement, allowance, and payment of certain claims;

S. 563. An act for the relief of the Jay Street Terminal, New York;

S. 728. An act for the relief of Elton Firth;

S. 896. An act for the relief of Anna W. Ayer, widow of Capt. Asa G. Ayer, deceased;

S. 1037. An act authorizing adjustment of the claims of Sanford A. McAlister and Eliza L. McAlister;

S. 1039. An act authorizing adjustment of the claim of the West India Oil Co.;